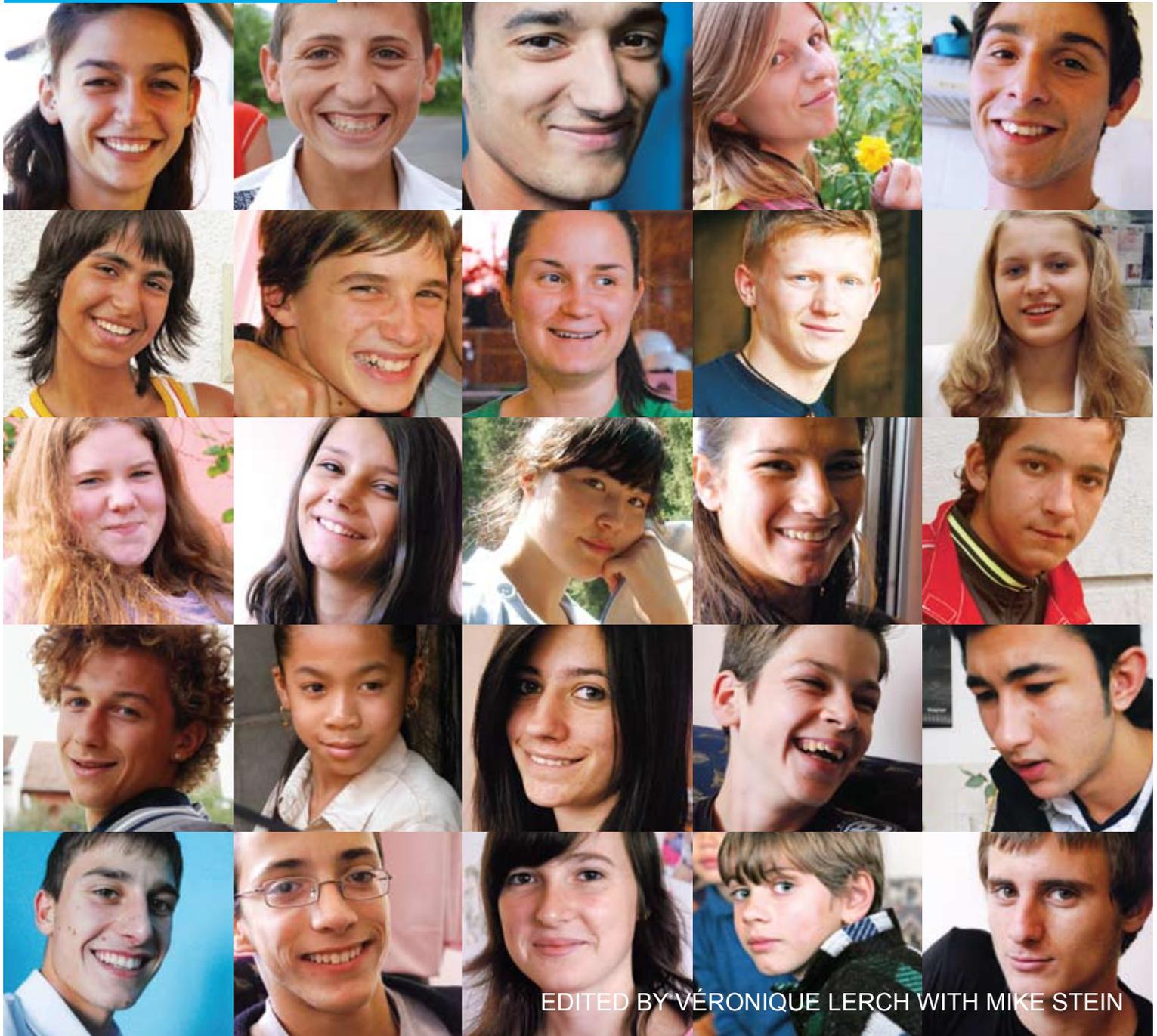


AGEING OUT OF CARE

 SOS CHILDREN'S
VILLAGES

FROM CARE TO ADULTHOOD IN EUROPEAN
AND CENTRAL ASIAN SOCIETIES



EDITED BY VÉRONIQUE LERCH WITH MIKE STEIN



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LIST OF ABBREVIATIONS

CRC	Convention on the Rights of the Child
FBIH	Federation of Bosnia and Herzegovina
MFVAIS	Ministry of Family, Veteran Affairs and Intergenerational Solidarity (Croatia)
MHSW	Ministry of Health and Social Welfare (Croatia)
MoLSPP	Ministry of Labour and Social Protection of the Population (Uzbekistan)
MoLHSA	Ministry of Labour, Health, and Social Affairs (Georgia)
NGO	Non-governmental organization
ONED	Observatoire national de l'enfance en danger (National Observatory for Children at Risk, France)

* All country chapters except France follow the same structure

** The conclusion does not include the chapter on France

FOREWORD

My friends and I first heard about the *I Matter Leaving Care Campaign* in October 2008. More than one year later, Alma, the advocacy officer at SOS Children’s Villages Albania, came to our SOS youth facility to ask us about our life inside and outside of the centre, about our prospects for the future, and about a host of other issues. Later we understood that these questions were designed to help her understand the concerns and problems youngsters in care face. This was the first step of the Leaving Care Project. We soon learned that its goal was to improve the process of leaving care.

Frankly, we initially considered this objective nearly unattainable. There were many reasons why, but a few stood out. First, given our country’s multiple economic and political problems, we did not believe that our government would accord greater priority to the issue of leaving care as valid. Second, the Albanian public is not informed about the situation of children and youngsters in care. Moreover, they are very suspicious and do not recognize our issues, making it very difficult for us to gain their support. Third, after seeing the results of the situation analysis, we were shocked: the conditions in which many youngsters in Albania live once they leave care are wholly deplorable. They face a multitude of problems, from housing and income to social concerns. There are so many hurdles that it is difficult to know where to start.

After the project was launched at the international level in January 2009, we formed a group to brainstorm and direct the development of the project. During the first few meetings, our understanding was vague; we did not know where to start or how the project should be organized. With time, however, we agreed that it would be best to structure the project along different ‘tracks’. The most important of these parallel tracks is the participation of youths. Through this track, we aimed to inform public opinion, express concerns in our own words, and—most importantly—say what we know to be true.

We created a group of youngsters called the ‘youth group’, whose members were to organize the youth participation

part of the project. Our responsibility was to brainstorm about how to maximize youth participation and to determine how best to implement the ideas. So far, the youth group has made two important contributions.

First, we established a network of youngsters by collaborating with many youth-oriented non-governmental organizations (NGOs). Indeed, the first organizations to be interested in this project were Albanian youth NGOs. Many activities were then organized to enable us to get to know each other, and many more to introduce the public to this issue. Events were held in our youth facility, at the SOS office, in the residence halls where most of our colleagues live, and in public places. We expect more NGOs to become interested in this project in the coming years.

The second great step of the youth participation track involved getting to know nearly all of our peers in other forms of alternative care, providing emotional support, and organizing events and activities together. As a result, we youngsters in care know each other better and are lobbying side by side for our rights. Moreover, with the help of NGOs we can spread our word throughout Albania, with the goal of reaching every young person in the country.

We have already come a long way since the project began and we were not sure in which direction to go. Today we are confident about what we are doing and how we are doing it. We feel experienced and prepared to better represent our claims. Now the topic is better recognized both by the public and—most importantly—by the government, enhancing the likelihood of making progress. In addition, even though much remains to be done, we are managing to fight social exclusion; youngsters in alternative care feel interested and powerful enough to raise their voices and lobby the government. Moreover, many other Albanian youngsters are interested in participating in this project. They recognize the issue of leaving care as an important one, one to which they can make a contribution. Achievements may not yet be numerous, but among them is the fact that, compared to just a short while ago, many youngsters now see opportunities for success and are confident that there will be more in the future.

ERTION AXHA
Member of the *I Matter International Steering Group* and *International Youth Council*

FOREWORD

Every child has the right to grow up in a loving, family-type environment. We have learned that large residential care facilities are not sufficiently child-friendly, even when the personnel are engaged. In response, we have pleaded for ‘deinstitutionalization’.

There has indeed been some progress in finding solutions other than unsuitable facilities for children at risk and with dysfunctional family backgrounds. Yet alternative care in non-family settings is still a reality for a huge number of unfortunate children—and will be so for many years to come. It is crucial that their situation be made as humane and child-friendly as possible. Part of that approach involves preparing them for a life after childhood. Every year, thousands of young people have to leave their ‘homes’ as they age out of alternative care. The process has received very little attention, with the result that youths are often forgotten once they have left care. Thus, sadly, many care-leavers run the risk of soon finding themselves living on the streets or in very poor conditions in temporary shelters, where they may be vulnerable to exploitation and abuse. Many governments lack specific policies and plans of action to address this problem. Allocated resources are generally minimal and organizations working in the field of alternative care often have other priorities. A few European countries have initiated measures to improve the situation for young people ageing out of care, but further action is required. In this context, the *I Matter* campaign initiated by SOS Children’s Villages International is a very welcome contribution. International studies have found that young people who have grown up in care encounter more difficulties when entering adulthood than their peers who have lived with their families. Alternative care often fails to prepare young people for independent life by neglecting to hone the practical and social skills required for life after care. Nevertheless, care-leavers are expected to behave like independent persons the day they leave their ‘home’. They may face insurmountable problems when trying to access their rights to social protection and health care. They are particularly vulnerable to abductions, trafficking, and abuse. In particular, young women and young people with disabilities are at a high risk of being physically and sexually abused. In the light of these facts it seems evident that alternative care for children and young people needs to be improved. Clear and

well-defined laws and policies must reflect the best interests of the child, as expressed in the United Nations Convention on the Rights of the Child. The Council of Europe’s Committee of Ministers has formulated a series of recommendations on deinstitutionalization and rights of children living in residential institutions; the guidelines may serve as invaluable tools in the development of national standards. Education is essential. Each young person should have the possibility to develop professional skills in a stimulating environment, preferably outside alternative care. Individual plans specifying educational or vocational training needs should be drawn up; every young person should have access to relevant assistance, such as guidance when applying to educational institutions, vocational training, or professional positions.

In addition, these young people need to build their life skills, such as home economics, planning, and communication skills. They need support improving their self-esteem and emotional stability and should receive sex education. The care provided should focus on the future of these children, preparing them for participation in society. Life in alternative care homes and facilities must thus not be secluded from the rest of society. After-care service is a key element in helping these young people build a life for themselves outside the childcare setting. They should have access to a contact person, with whom they should develop an individual plan covering essentials—such as accommodation, education, and financial and personal needs. In addition, increased attention must be paid to the root causes leading children to be placed in alternative care; similarly, efforts to prevent such placement should be enhanced. Poverty should never be a reason to place a child in alternative care and family ties should be maintained to the greatest extent possible. It is essential that children and young people be properly informed of their rights. They should be able to participate in decisions that concern them. To this end, they must be informed about the policies affecting their placement in and exit from alternative care.

Vulnerable care-leavers should benefit from full support in order to make the transition into adulthood and independent life less burdensome. They are part of our society and have the right to be given the tools to help them shape their future.

THOMAS HAMMARBERG
Council of Europe Commissioner
for Human Rights

EXECUTIVE SUMMARY

Ageing out of Care provides an unprecedented review and assessment of the circumstances under which young people in Europe and Central Asia leave alternative care to begin an independent life. This volume underscores the personal, social, legal, and administrative challenges facing these young people, identifies weaknesses in legislation and practice, and provides targeted recommendations for improving the process of leaving care.

Perhaps not surprisingly, recurring themes emerge across national boundaries, highlighting the importance of deinstitutionalization efforts, national standards, and the dissemination of good practice. This study reveals that in the countries under review the preparation for the departure from alternative care and the ensuing transition to self-sufficient adulthood are characterized by chronic, often debilitating shortcomings, as evidenced by the following findings.

- **Preparation.** Throughout the surveyed region, young people are not sufficiently prepared for leaving care. In Azerbaijan, for example, large, isolated residential care facilities enforce rigid schedules, limit contact with the outside world, and keep children from participating in outside organizations, thus preventing young people from being properly prepared for social life. In Poland, preparation for leaving care starts only two months before young people turn 18, the age at which they must leave the care system. In Estonia, there are no national legal provisions regulating the preparation for leaving care or after-care services.
- **Housing.** Care leavers encounter disproportionate difficulties in seeking housing. In the Russian Federation, care leavers often wait up to ten years for ‘guaranteed’ housing. As indicated by the results of a survey of Croatian homeless shelters, almost 20 per cent of the beneficiaries of such shelters are care leavers who were not able to secure housing. In Kyrgyzstan and Uzbekistan, property grabbing by relatives or employees in the local administration deprives numerous care leavers of their rightful homes. In Georgia, there are no housing

services for care leavers who are known to be homeless. In Albania, where access to residential care ends once a young person turns 15, most care leavers become homeless—and thus become exposed to violence, sexual abuse, and trafficking.

- **Employment.** In many countries under review, residential care facilities do not sufficiently ensure that young people will be competitive in the job market. Care leavers are often forced to accept illegal work, as a result of which they earn minimal—and often irregular—pay and must forgo access to health and social benefits. In Uzbekistan, selected vocational schools often do not correspond to a young person’s interests and wishes; as a result, care leavers are usually limited to becoming a cook, candy-maker, tailor, carpenter, construction worker, or security officer. In Bosnia and Herzegovina, there is no legal provision for employment benefits for children without parental care once they turn 18.
- **Coverage gaps.** In some countries, gaps in coverage prevent young care leavers from accessing jobs and housing. In Croatia, care leavers who accept scholarships to study no longer qualify for housing. In Albania, a fatal legal gap affects 14–16-year-olds, as they may neither work nor stay in state care facilities. Many of them fail classes on purpose to postpone their exit from a care facility. In Bulgaria, after-care services are limited to one year, after which care leavers are forced to wean themselves off support once again and to continue without it.
- **Emotional hardship.** In interviews, care leavers speak of the incapacitating impact of loneliness, emptiness, and abandonment. Albanian care leavers report having strong feelings of social, physical, and psychological isolation—akin to living on ‘an island’ without services to promote and encourage social integration. In the words of one Azerbaijani child, ‘half of our life we are locked away’. In the Russian Federation, where many children are frequently transferred from one care facility to another, studies show that emotional attachments are regularly broken and the rehabilitation process violated, impeding normal social and emotional development.
- **Abuse.** In Azerbaijan, many children in residential care suffer various forms of punishment and humiliation,

and girls are at a high risk of being physically and sexually abused by staff and peers. In the Czech Republic, where children are often placed a long way from their parents, the restriction of visits or parental contact is routinely used as punishment. In Kyrgyzstan, physical violence is a serious problem in childcare facilities, whose personnel also rely on prohibitive measures such as interdictions, punishments, and threats to control children and young people.

- **Inefficiency of the care system.** In the Czech Republic, where every 100th child grows up in a residential care facility, children may be placed in facilities by three different ministries. In Albania and Kyrgyzstan, the child protection systems are also fragmented between a number of ministries and departments.

These and other concerns—and recommendations for addressing them—are discussed in the country chapters on Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Georgia, Kyrgyzstan, Poland, the Russian Federation, and Uzbekistan. Specifically, each of these 12 chapters provides available information on the target population, the child protection and care system, the legal and policy framework, prac-

tices related to preparing young people for leaving care and after-care services, the main violations of the rights of young people ageing out of care, official data sources, existing research on the target group, and key recommendations for policy and practice.

In addition, the country chapters offer personal insight through boxes that relate common experiences of care leavers. The young authors, themselves participants in the SOS Children’s Villages’ *I Matter* campaign, based these accounts on true, often harrowing stories of their peers.

The collection of country chapters is supplemented by a chapter on recent debates regarding access to benefits for care leavers in France. A conclusion by Mike Stein, who is research professor in the social policy research unit at the University of York and has spent more than 25 years researching the problems faced by young care leavers, rounds out the volume.

Ageing out of Care represents the first output of the *I Matter* campaign initiated by SOS Children’s Villages International. It is designed to serve as a practical tool for improving the process of leaving care and better integrating care leavers into society.

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The report is dedicated to the young people involved in the *I Matter* campaign and especially to the members of the *I Matter* International Youth Council who prepared the individual stories included in the report.

INTRODUCTION

This report is a product of the *I Matter* campaign launched by SOS Children's Villages at the beginning of 2009 and scheduled to continue until 2013. The aim of this campaign is to ensure that young people growing up in alternative care in Europe and Central Asia are provided with appropriate preparation for leaving care and are able to access continued after-care support. The campaign is currently underway in 15 countries; additional countries may participate in the coming years.

OBJECTIVES

The objective of this report is to establish a baseline assessment of each country taking part in the *I Matter* campaign and to enhance the visibility of issues affecting children in care and young people leaving care. In describing the situation of those young people, each of the 15 country chapters in this volume evaluates relevant aspects of the social protection system, legislation governing the protection of young people ageing out of care, and the quality of the relevant services offered. Each country chapter closes with recommendations for policy and practice based on the strengths and gaps identified in this mapping exercise.

This research is only the first step towards reaching a better understanding of the needs and rights of young people ageing out of the care systems in Europe and Central Asia. This report does not claim to present a complete picture of the situation. In fact, its findings are limited by an absence of systematic data collection in numerous contexts and its conclusions include a call for further research and more reliable data. This volume should thus serve as a preliminary analytical overview of the problems that young people leaving care encounter.

Rather than offering a comparative analysis of the countries under review, this study reveals emerging national trends as well as issues that may have strong resonance in other countries and thus need to be tackled collectively.

METHODOLOGY

The chapters are mainly based on the situation analyses done by, or for, SOS Children's Villages in the countries taking part in the project. The contributors produced the

country situation analyses using two research methods:

- desk analysis of key legislation and policy, statistical information, official reports, the reports of non-governmental organizations and the United Nations, and academic research.
- interviews with stakeholders, field visits to some care institutions, and focus groups with young people with care experience and persons who work with care leavers.

The country situation analyses were updated with a cut-off date of December 2009 and summarized for the purposes of this report.

STRUCTURE OF THE REPORT

The report opens with two forewords: one by a member of the International Youth Council of the *I Matter* campaign and the other by Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights.

The core of the report consists of country chapters that cover the following points:

- the target population of children in care and young people ageing out of care;
- a short description of each country's child protection and care system;
- the legal and policy framework;
- practices related to preparation for leaving care and after-care services;
- the main violations of the rights of young people ageing out of care;
- official data sources;
- research on target groups; and
- key recommendations for policy and practice.

Most of the country chapters cover former Soviet bloc states, where very little has been written on the issue of leaving care. In Austria, France, and Germany, the issue has received more attention, as evidenced by a recent publication by Mike Stein and Emily Munro and a report from the Council of Baltic Sea States. This volume does provide additional information on France, however.

The 'cases' presented in boxes throughout the report are fictionalized stories written by the members of the International Youth Council of the *I Matter* campaign

based on their knowledge of the situation and case histories. The International Youth Council is composed of a maximum of two young people with care experience per country; at this writing, it consisted of 26 young people who were 16 to 26 years old. This council takes an active part in decisions related to the *I Matter* campaign.

The concluding chapter, written by Mike Stein, identifies and explores cross-cutting themes touched on in the country chapters.

CRITERIA FOR INCLUSION

All the countries presented in this report are taking part in SOS Children's Villages' *I Matter* campaign. Countries were selected to participate in the campaign based on (1) the presence of SOS Children's Villages' advocacy staff, and (2) the lack of substantial previous work on this aspect of the child care system in the country. SOS Children's Villages administers leaving care programmes in all the countries under review.

CHALLENGES

Research for this report was hampered by two main challenges: a lack of reliable data and the absence of standardized terminology.

Data

Few of the countries under review have made the issue of leaving care a priority. One consequence is a lack of data and statistics on young people ageing out of care and sometimes even on children in the care system. Where data is available, it is not necessarily reliable. In Poland, for instance, three different official sources provide three different figures for the number of children in alternative care. Another problem relates to the lack of disaggregated data. Information on young offenders is occasionally included in data on young people in alternative care, for example.

Since access to figures is the first step in understanding the problem, this report includes data even if it is contradictory or potentially unreliable. This approach reflects the conviction that stakeholders will continue to ignore the problem as long as they lack access to figures: 'no statistics, no problem.'

Terminology

Definitions of the same term differ from one country to

the other. 'Alternative care' is used in the Convention on the Rights of the Child as a synonym for 'out-of-home care'. In many countries of the former Soviet bloc, however, 'alternative care' is used to mean 'alternative to institutional care'.

Whenever possible, this volume avoids the use of the terms 'institutional care' and 'institution' when referring to the large residential care facilities that still exist in numerous countries of the former Soviet bloc, where they continue to have a detrimental impact on the development of children. The term 'residential care' is used for all forms of non-family-type care, reflecting the position that quality residential care (such as small-group homes) can be an appropriate option for some children. In practice, however, the terms 'residential care' and 'institutional care' are used interchangeably in many countries; in some languages there is no difference between these two terms.

There is no universally agreed definition of the terms 'residential care', 'institutional care', or 'family-type care'. While the newly adopted United Nations Guidelines for the Alternative Care of Children do not define the terms, they do provide clear indications regarding the quality of care and the minimum standards for alternative care.

Each country chapter includes legal definitions of some key terms of child and youth care. In the absence of a legal definition, the most common definition is provided.

Several factors—such as the complexity of the system described, the lack of clear or reliable data, and the issues surrounding terminology—make this publication a 'work in progress'.

For many of the country chapters, available data is often limited and some information may be difficult to verify. If you are aware of additional or more reliable data for any of these countries (or other countries), or if you would like to comment on any of the issues covered in this volume, please contact SOS Children's Villages at lao@sos-kd.org.

ALBANIA¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE LEAVING CARE

The population of children under 18 constitutes 32.6 per cent of Albania's total population of 3,170,000 (Bank of Albania, 2007).

Children and young people in alternative care

Compared to other countries in the region and beyond, Albania has relatively few children in alternative care. The family ties are very strong in Albania and many children grow up in informal kinship care. A recent study reveals that of the 68 per cent of families that benefit from economic assistance, only 2.5 per cent reported that they were forced to place children in residential care because of extreme poverty (Muca et al., 2009). Another 22 per cent reported a willingness to place their children in temporary care that offers at least one daily meal. The Strategy of Social Service estimates that 16,000 children were in kinship care in 2005 (Maglajlic and Muca, 2007).

Albania's Social Services report that 689 children were in care as of September 2009.² Of these, 273 children were in public facilities and 416 children in private residential homes. The number of children in formal care is on the rise. Most children in care are so-called 'social orphans', comprising 194 children in public care and 393 in private care. Of the 416 children in residential care facilities, 4 were adopted, 14 were reunited with their families of origin, and 14 were transferred or left care; about 100 of these young people are 16–25 years old.³

Young people ageing out of care

It is difficult to access accurate information about the number of care leavers per year or any other information about care leavers because of the fragmentation of services in the hands of different actors—public institu-

tions, boarding schools, non-governmental organizations (NGOs), and families—and a lack of reliable data.

Under the provisions of the Law On the Status of Orphans, children without parental care may stay in state or private care facilities until the age of 15 and, in special cases, until 17, depending on when they finish compulsory education (GoA, 1996, art. 5). There is a fatal gap for 14–16-year-olds in state care as they may neither work nor stay in state care facilities. Upon a child's completion of primary school, the directorate of social care, in cooperation with the Ministry of Education and relevant local government units, arranges for the child to be admitted to further education according to his/her abilities. Young people who attend secondary school or pursue higher education are offered accommodation in boarding schools and dormitories (GoA, 1996, art. 7). Until a young person finds employment, their expenses for food and scholarships are covered by the offices of social assistance in municipalities and communes. For children who do not wish or are not able to attend secondary school, the state makes no provision apart from permitting those who have not yet completed primary education to stay in facilities until the age of 17 (AI Albania, 1997).

In 2007, public care facilities made 11 requests to transfer adolescents (15-year-olds) to youth structures managed by NGOs.⁴ These young people could not complete a high school education and thus could not access accommodation in a *konvikt* (boarding school).

Data from the National Association of Orphans in Albania shows that in 2008, 197 young people over 18 without parental care lived in boarding schools. The limited information available—whether official or unofficial—refers only to children who pursue secondary or higher education.

According to 2008 official statistics from the Ministry of Labour, Social Affairs, and Equal Opportunities, 128 youths were in private residential facilities.

Paths taken by young people leaving care

The lack of accurate information on young people who have left care is especially conspicuous with regard to those who are homeless or do not attend secondary school or further education. Nevertheless, this study has produced the following findings:

ALTIN

Altin is 16 years old and lives in a dormitory in Tirana. He attends the high school right next to the dormitory. The only reason he is still able to live in the facility is that he must complete compulsory education; if he were not attending high school, he would no longer have access to government support. As a student, he receives some state money to finance books, clothes, and other needs for education and everyday life.

The money he receives is just enough to meet his most essential needs. He cannot afford to live without working part-time after school. As a result, he goes to school in the morning and works in the afternoon, and in the evening he studies. Nevertheless, he is very pleased that he was able to secure a job. He knows from his cousin—who is the same age—that she encountered numerous difficulties finding a job because she is a girl. Altin feels lucky that he found a job, even if it is only for a few months. For that time he will have more money.

Altin is very ambitious regarding his future. He wants to enrol at university once he finishes high school. Knowing that he needs good grades motivates together him to sit down every evening to study. He does not know how long he can continue at this pace, since it is exhausting and he does not get enough sleep at night due to studying.

- Care leavers face more hurdles when starting an independent life than do their peers who live with their families of origin. Young care leavers receive insufficient support and services from the responsible public structures.
- The legal status of children aged 15–18 is not addressed and there is no structure in place for officially providing care for children leaving alternative care, particularly those leaving public residential facilities.
- The model of care lacks focus on the individual needs of a care leaver.
- Financial resources for care leavers are insufficient and main policies and strategies do not treat the issue as a priority.

- There are problems of coordination and information sharing between local and national stakeholders.
- There is no monitoring of young people who have left care, particularly those aged 15–18. No individual plan or monitoring is provided once youths are out of care.
- Care leavers are discriminated against by social and cultural attitudes.

The quality of care received while in alternative care has an impact on the future of young people. Youths who leave public residential care have a low level of education, are unemployed for a long period of time, and are more at risk. Most are homeless, at a high risk of getting involved in criminal activities, or of becoming victims of criminals and traffickers. A large percentage of them manifest emotional and behavioural problems as well as mental health problems.⁵

2. SHORT DESCRIPTION OF ALBANIA'S CHILD PROTECTION AND CARE SYSTEM

Main actors of the child protection and care system

Albania's Social Services for children without parental care are part of the programme for poverty reduction and for social care. The **Ministry of Labour, Social Affairs, and Equal Opportunities** collaborates with the Social Services and other institutions at the executive level in the implementation of social policies, as well as their monitoring. The Social Services are responsible for implementation, standard monitoring, documenting, and decision-making for children without parental care.

The **Council of the Municipality and Commune** is responsible for the delivery of economic and social family assistance, the drafting of development plans for community social services, and the financing of care services. Under the framework of decentralization that started in 2005, public residential institutions are being transferred to the local authorities. The process is slow and not finalized due to a lack of resources and the limited capacity of local authority structures.

The care system is both formal and informal. The formal care system is supported by a series of laws, rules, and institu-

STATEMENT OF A CAREGIVER IN A TIRANA BOARDING SCHOOL

After the divorce of his parents, E.D. lived for nine years in the Zyber Halluli facility. At 16 he entered a vocational school in the construction branch. Although he is now 18, he is still in the first year of this vocational school because his progress is slow. He lives with 11 other boys in the dormitories of the Boarding School for Tourism. He is a pupil with behavioural issues. The academic staff of the school have often punished him for breaking the rules. He has also been in conflict with the police for theft and fighting. In collaboration with friends, he has been involved in different violent situations.

20-YEAR-OLD, LIVES IN A BOARDING SCHOOL

I am 20 years old and live in a dormitory. They say they are getting me out, but I don't have anywhere else to go. To join my father is very difficult and hopeless. I have been qualified as a dressmaker but I still haven't started any job. I am in a relationship and my boyfriend secures support, even financial. Our life differs from that of the other young people. Nobody offers any help; I even feel excluded from society as they say 'what a pity she comes from the orphanage'. Even here we are treated and seen differently from the other girls who live in the dormitories to attend school. I once went to the civil state offices to obtain a certificate; they told me to pay taxes if I want a certificate. But where am I supposed to get the money? Boys get involved in bad activities, stealing or drug dealing, but I don't want to take that path. Shouldn't I be excluded from taxes?

26-YEAR-OLD IN SHKODER

My employer was always nervous with me. He insulted me and answered harshly for no apparent reason. I did not have any support, not even from my colleagues. They gave me harsh looks and did not let me join them. They do not have a good opinion of us. I could not face this situation although I desperately needed to work. I felt tired and could not endure being insulted, offended, or pitied. I quit the job before doing anything foolish (like beating someone).

GIRL, BOARDING SCHOOL OF TOURISM, TIRANA

I have been living in a care institution for 20 years. At the beginning I was in a residential care facility and later here in the dormitory. There was no option other than to join my father, but I could not live with him. Everything was difficult and hopeless, that is why I came back here.

15-YEAR-OLD, ZYBER HALLULLI RESIDENTIAL CARE FACILITY

I finished high school and now I will study foreign languages in a vocational school. I am so frightened because I have to do it on my own; I know life will be difficult for me. I do not know what to expect. It will be totally different from the life in this orphanage. Now I am alone and there is no longer anyone to take care of me.

tions that are derived from the old socialist system, though these have evolved according to contemporary models. In the informal care system—kinship care—children are cared for by relatives without a court decision.

Types of care settings

The formal care system for children without parental care includes the following approaches:

- Family-type care is provided by organizations such as SOS Children's Villages and Madonnina del Grappa Case Famiglia (care for 14–18-year-olds with disabilities in the city of Shkodra).
- Until recently, foster care did not exist in Albania. UNICEF is financing the 'Strengthening the Child Protection System in the Context of Social Service Reform' project and supporting the implementation of a Foster Care Strategy (2008–10).
- Residential care facilities are provided for children in the following age groupings: 0–3 years old, 3–6 years old, 6–14 years old.
- Day care is available in centres for vulnerable children (such as beggars and street children).
- Repatriation and family reunification services are available to underage runaway children.

Care services for children are provided by central and local government, NGOs, and private persons. NGOs and private providers require a provision licence for running services such as:

- residential care facilities for children with social problems.
- day care centres for children with social problems.
- psycho-social counselling centres.
- home care services.
- rehabilitation centres.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care⁶

- The Constitution of the Republic of Albania (approved by Act No. 8417 of 21 October 1998 and brought into effect by presidential decree No. 2260 of 28 November 1998) guides the state's obligation to provide children without parental care with care and support.⁷ Several laws and decisions form the foundation of the social care policy.
- The Family Code (promulgated by Law No. 9062 of 8 May 2003) specifies the state's institutional obligations towards children without parental care, and the manner in which they are to be met. The Code of Civil Procedure (approved by Law No. 8116, dated 29 March 1996) regulates the establishment of custody (art. 351); it also specifies that minors 16 years and older may themselves 'exercise the right to address the court about placement' (art. 352). This shows that there is a clear inconsistency in terms of legal ages, which need to be harmonized.
- Law No. 7650 of 17 December 1992 (amended by Law No. 9695 of 9 March 2007) regulates adoption procedures. It specifies procedures by which a child can be declared abandoned, namely when his or her parents have obviously not taken any interest in the child over a period of one year preceding the submission of a request.
- The Foster Care Strategy (DCM No. 80 of 28 January 2008) entered a piloting phase in 2010. Foster care is part of the Sectional Strategy of Social Protection and foresees care in a foster family for children without parental care. This document extends the alternative services for children in need to include care within a family environment.
- The Law On the Status of the Orphan (Law No. 8153 of 31 October 1996) sets out the criteria for placing children in social care institutions. This definition applies to children and youths from birth to 25 years of age, irrespective of whether they have been placed in state or private social care facilities. The status of 'orphan' is granted in accordance with a decision taken by a specially established committee within the Social Services. One of the committee members is a representative from the National Association of Orphans. The legislation provides for and governs the manner in which children without parental care are cared for in social care facilities.
- The Law On Economic Support and Social Services (Law No. 9355 of 10 March 2005) lays down the details for providing economic aid and social care to children without parental care, as well as the functioning of the social care system for children defined as orphans, persons with disabilities, and foster families. The law was amended and updated in 2009 to include orphaned children who are cared for by relatives. This law defines two categories of orphans as being entitled to economic support:
 - 18–25-year-old orphans who are not placed in care facilities or foster care.
 - orphans over 25 or unemployed who are not placed in facilities or in foster care.
- The law On the Organization and Functioning of Local Government (passed in 2000) creates the necessary conditions for decentralizing social services. According to the Decision of the Council of Ministers on Social Care Services (1994), orphaned and abandoned children are assured of services in residential care facilities.
- The Council Decision On the Criteria for the Placement in Residential Institutions of Social Care and the Necessary Documentation for Acceptance (1997) defines the rules for entry into institutions for children without parental care.
- The Council Decision On the Standards of Social Care Services for Children in Residential Institutions (2005)

mentions 11 standards for care: adequacy of service; individual care plans; preparation for independent life; nutrition; appearance; clothing and material needs; physical, emotional, and mental health; education; entertainment; reporting; protection from abuse; environment and housing; staff and management.

Key legal provisions regarding preparation for leaving care and after-care support

The Council Decision On the Standards of Social Care Services for Children in Residential Institutions (2005) stipulates that preparatory plans must be drafted for children who leave care or who move into other forms of care, such as adoption, foster care, independent or semi-independent living, or a return to the family of origin. Together with the child, a team of professionals from the facilities (educators, social workers, and care providers) and the family of origin draft the ‘pathway plan’ according to the needs of the child. Once he or she is out of public care, however, there are no designated persons or structures that ensure that the plan is followed up.

According to the Law on Social Housing (2004), orphans up to 30 years of age may benefit from housing. The law states that orphans over 18 are entitled to housing provided by the Ministry of Public Affairs, Transport, and Telecommunications. Beneficiaries who have priority are individuals who have left residential care facilities, are not staying in boarding schools, and have no housing opportunities, as well as single-parent families or single mothers who have the status of orphan and are without accommodation.

The Law On the Status of Orphans specifies that children must be at least 14 before leaving care or 17 if they have not finished the 9th grade. In the family-type home systems administrated by NGOs, however, youths must be 19–21 years old before leaving care.

The Social Protection Strategy 2007–13 aims to reform Albania’s social services. It covers the following areas:

- improvement of cash transfers to poor families (including orphans and youths out of care).
- decentralization and deinstitutionalization of care services for children.
- extension of community-based services.
- piloting foster care systems.

- increasing the number of facilities run by NGOs specialized in care.

The Youth Strategy is a sub-sectional strategy that defines policies regarding health and social protection, reinforcing the economic situation of youths and enhancing their representation and participation within the Ministries of Youth, Culture, and Sports; Education; Labour, Social Affairs, and Equal Opportunities; Internal Affairs; and Justice.

Strengths

- Different gate-keeping mechanisms (development of standards, licensing, and inspection) have been introduced since 2005, based on the Social Service Strategy and the Law On Social Assistance and Services. They have not yet been fully implemented, however. Their development has been supported by the World Bank Social Service Delivery Project. UNICEF has been working in the residential care facilities for children to ensure the newly developed residential care standards are implemented.

Identified gaps

- Children without parental care are not a high social priority and the child protection system in Albania is fragmented between a number of ministries and departments.
- The process of deinstitutionalization remains to be completed. It is hampered by a lack of resources, capacities, and financing, especially at the local level.
- No provision has been made for addressing the needs of care leavers. Since there is no legislation regulating the legal status of 15–18-year-old ‘orphans’, no governmental structures are in place to follow up and care for children leaving care.
- The Law On the Status of Orphans does not address the needs of ‘social orphans’. There is a lack of legislation and poor practices for the social support of children and youngsters without parental care, especially social orphans.
- In practice, the Law On the Status of Orphans is rarely enforced with respect to employment and housing or free health services.
- There is no coordination between stakeholders at the local level. Budgeting for the needs of youngsters leaving care is inefficient; that inefficiency has been used to

justify the lack of change to the status quo of laws and further policies.

- Social services remain largely financed by the central government despite the increasing municipal responsibility for the delivery of social services. Financial decentralization cannot be executed in every unit of local government because the local resources, capacities, and financing are limited.
- There is a lack of decision-making for the review and benefit of financial inheritance for youngsters who aged out of care from residential facilities, who are still under parental custody, but whose parents are not fulfilling their responsibilities.
- The National Action Plan for Children (2005–10) does not include specific action for care leavers.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

Some private facilities—such as SOS Children’s Villages, Madonna del Grappa, Home of Hope, Help of Weillhem for Albania, and the Tag Center—offer services for 15–24-year-olds who are leaving care. Yet there is a lack of public structures providing long-term or short-term services for young people 15 and older. The ‘staying time’ in private structures varies from three to six years, depending on the individual child development plans. In compliance with national standards, when the child reaches 15, steps are to be taken to prepare the child for independent living. Monitoring and support of the child should continue once the child has left care.

Once children complete the ninth grade, they begin preparations for secondary school in the individual pathway plan. Further steps are taken regarding the children’s education; schools are selected based on students’ wishes and abilities.

In the pathway plan, consultations between the care leaver, on the one hand, and the care providers, social workers, and educators on the other hand prepare youths for leaving care. The plan covers issues such as education, professional training, and drug and alcohol risks as well as activities to acquire skills for independent life. The main skills include household

chores and budget management. In some cases the facility helps the child to take courses in vocational or educational institutions, depending on his or her abilities.

After-care services

For young people who enjoy the status of ‘children without parental care’ the following public services are available.

- Education. Youths who attend high school receive scholarships from the state through the Ministry of Education; books and school items are free. Young people who enter military service are entitled to a supplementary sum. Young people without parental care can settle in a *konvikt* (boarding school), which offers shelter, education, nutrition, and the fulfilment of some basic needs for four to five years. In summer they receive a supplementary payment as defined by the Decision of the Council of Ministers and are allowed to stay in the dormitories during the vacation.
- Housing. Young people who have been granted orphan status and attend secondary school may benefit from accommodation in school dormitories and are later given priority with regard to social housing.
- Financial support. Orphaned youths over 18 receive up to EUR 22 per month in financial aid after completing high school or university until they are employed.⁸ There is no age limit for benefiting from this aid. They are also entitled to travel free of charge on public transportation.
- Health care. Medical care, dental care, and medication are free for unemployed orphans.
- Employment. The law defines the employment of orphans as a priority for employment offices.

Since few public services are available, NGOs aim to fill the gap. Some state care leavers enter NGO care; some are given scholarships to continue high school, which could be a boarding school; others return to their family of origin. In the NGO care system, the age by when youths must leave care is higher and support lasts longer. SOS Children’s Villages offers Youth Communities for 15–19-year-olds as well as programmes that support

semi-independence up to the age of 24. Other NGOs offer several years' support to care leavers who do not pursue studies. Religious institutions and local social services also support youths who have left care. Some focus on reintegration into the families of origin. The Tag Center in Tirana, for example, supports 14–18-year-olds coming out of public residential facilities by providing services such as life skills, education, and vocational courses.

Identified gaps

- While their peers start to become independent only after reaching 25 years of age, most of the young people in alternative care have to become independent and self-sufficient between the ages of 15 and 19, regardless of their level of development.
- In contrast to their peers who rely on their families for financial and emotional support, care leavers usually do not have strong ties with their families of origin and thus cannot benefit from such support. Many of them fail classes on purpose so that they can postpone their exit from a care facility or graduation from a boarding school.
- There are few after-care services, except those of NGOs. NGOs have been managing 'protected apartments' and 'high-autonomy apartments' for 15–18-year-olds and abandoned 19–23-year-olds, but these facilities are closing due to their high running costs.
- Some youngsters who have completed secondary school remain in boarding school dormitories until the age of 40 as it is their only option. The living conditions in some dormitories are difficult and especially unsuitable for 14–18-year-olds. Some of these dormitories are overpopulated and do not meet minimum hygiene and sanitary standards.
- Youth focus groups have revealed that professional courses, information sessions, and awareness-raising efforts are not sufficient to make youngsters understand that certain behaviour could lead to criminal activities or increase the risk of exploitation. These young people may commit a crime without knowing they are committing an act punishable by law.
- Planned public support for care leavers comes in the form of monthly payments that are very low in comparison with needs. The economic assistance of ALL 2,600–3,000⁹ (EUR 19–22) per month is not enough to cover even basic needs.
- The process of registering children in care for second-

ary school is excessively complicated. The Ministry of Public Education's 'Second Chance' programme targets children who work and those who face problems in connection with 'blood feuds', yet no information is available on whether children in care and those above school age are included.

- Employment offices are not equipped to be able to help youngsters find employment. Employment policies do not yet support care leavers; indeed, none of the young people interviewed were beneficiaries of the 'active employment programme' through which employment is fully or partially subsidized by the state and support is made available for self-employment and business incubators.
- In 2005 the government adopted a programme to construct 4,000 apartments for low-income and vulnerable households throughout the country by 2010. So far the progress in implementing this programme has been slow.
- Care leaving and after-care plans by facilities are not supported by other service providers that should be engaged in the process, such as the housing authority, the employment office, the social worker of the dormitory, or the general practitioner.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

- **Right to quality alternative care.** Placement in large residential facilities and frequent changes of care from one facility to another have a negative impact on a child's psycho-social development and education, making integration into society difficult and inhibiting friendships and school attendance.

Discharge from residential care facilities at a young age (15) and the denial of support and follow-up create a problematic future. The lack of services and coordination between the social services and the structures of care, together with the inability of public structures to address the needs of these children properly, have created risks for all children leaving care, including those leaving family-type care.

- **Right not to be discriminated against.** All the interviewed youngsters reported suffering in their daily life due to

social stigma, prejudice, and the concomitant lack of support. Youths with a history of care also suffer from stigma in relation to public services. They report feeling treated as though they were people with vices and weak morals. They are subjected to prejudice and purposeful neglect by both employment and housing services. The stigma includes cultural and social prejudices and perceptions that they are poor, without family, coming from 'institutions', not able to integrate themselves, poorly educated, and have behavioural problems.

- **Isolation.** Young people ageing out of care report having a strong feeling of social, physical, and psychological isolation—akin to living on 'an island' without services to promote and encourage social integration.
- **Right to education.** Children in care experience learning difficulties. As a result, the majority have a low level of education and cannot complete more than a compulsory education. Some children in care are repeaters or have dropped out of school for some time; they are thus older than the children in their grade. As a result, it is very difficult for them to register for secondary schools, which is usually done at the age of 15. Those who suffer most are the children of Roma ethnicity. Some care leavers do not attend school as they take on early parental responsibilities in their own families. This deficiency in protecting the right to education is addressed neither by schools nor by care facilities. Care facility staff lacks the qualification to support this group.
- **Right to employment.** Children in care often receive vocational training courses without any job orientation, which responds neither to their interests nor to the labour market demand. Care leavers often have jobs that are informal, underpaid, and for which few skills are required (as in factories). Employers in the informal sector do not pay social insurance. The low educational level of many care leavers has a profound impact on their prospects for employment.
- **Right to adequate housing.** Many care leavers cannot afford housing when they become independent. Many are forced to rely on accommodation in state facilities, while others cannot pay rent and have no shelter at all. There is a lack of a serious governmental engagement in protecting the right to adequate housing for care leavers.

■ **Right to protection from violence and abuse.** Care structures and the community are generally indifferent towards the problems and risks encountered by care leavers, who, in turn, exhibit a low level of trust in authorities and local police departments. This dynamic results in a higher risk of abuse and violence.

■ **Right to health care.** Care leavers do not have access to adequate social or health care. Being unemployed or informally employed, young people are not insured and cannot benefit from the free health services of the public health care system. Nor can they benefit from support, information, or advice on reproductive health.

■ **Right to participation.** While young people do take part in designing their plan for leaving care, children in state residential facilities are generally less involved and in some cases decisions are not taken in compliance with their wishes. Specifically, many are forced to attend vocational schools in fields that do not interest them.

6. OFFICIAL DATA SOURCES

Official data related to children in alternative care and young people leaving care is scarce. Most of the official data is collected by the Social Services. The rest of the information used in this chapter comes from unofficial data sources such as the National Association of Orphans in Albania, Amnesty International, and observations made during field work for this study. This dearth of information highlights the lack of structures in place to collect and analyse data related to children in alternative care.

7. RESEARCH ON TARGET GROUPS

No research has been undertaken on young people ageing out of care in Albania.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Improving the legal and policy framework

- Policy should be improved and existing legislation enforced to increase the obligation of local stakeholders

and their support for education in compliance with the needs of care leavers, including the choice of durable housing and the real possibility of formal employment with sufficient income.

- A ‘Leaving Care Act’ should be drafted along with by-laws that authorize different governmental actors to take action in accordance with care leavers’ needs.
- Young people without parental care should be included in the National Strategy for Children and in the National Action Plan for Children, which ensures that the National Strategy is implemented.
- Relevant governmental structures should be developed to support care leavers during the transition from care to independent life; these should be based on existing NGO structures.
- Institutional capacities should be developed to allow for systematic monitoring and follow-up of young people leaving care.
- Representation of care leavers should be structured and monitored in public statistics and data banks.
- The municipal duty to distribute economic and social housing aid to beneficiaries should be extended to those with the status of orphans. Capacities must be developed to monitor and grant orphan status to ensure that orphans are accorded priority for employment and housing.
- By-laws must be drafted to meet the requirements of ratified conventions (such as the European Social Charter).
- An NGO network and coalition should be established to defend and protect care leavers’ rights.
- NGO advocacy should be undertaken to promote the enforcement of existing laws and to design new initiatives to improve practices.

Improving the services and practice

- Supportive programmes are needed for 15–18-year-olds and continuous monitoring for youngsters after 18. Steps should be taken to set up after-care services and structures and programmes for care leavers (such as day centres with service delivery).
- NGOs should create youth facilities to support youngsters leaving residential care and improve existing services.
- Vocational courses should be developed in accordance with the potential and desires of the children; these should reflect the demands of the labour market.

- Care should be extended until high school graduation or the end of university studies; this extension should be designed to encourage young people to do well in school and graduate (rather than failing in order to stay in care). Education and related NGO experience is essential.
- Steps should be taken to introduce regular, systematic training and psychological counselling for youth development (targeting the building of self-esteem, and psychological and emotional development).
- More opportunities should be made available for accessing information, educational support, and engagement, especially for children with developmental problems in special centres.
- Professional community support services such as youth clubs and psycho-social centres should be made accessible to care leavers.

KEY CHILD AND YOUTH CARE TERMS

Children without parental care (*fëmijë pa kujdes prindëror*). The Family Code (Law No. 9062 of 8 May 2003) introduces new, contemporary terminology. The term ‘orphan’ is replaced by ‘child without parental care’. This definition enlarges the beneficiary group to include children whose parents are alive, but who have been denied parental care.

Boarding school (*konvikti*).

Orphan (*jetim*). Article 1 of the Law On the Status of Orphans (Law No. 8153 of 31 October 1996) grants the status of ‘orphan’ to anyone who is 0–25 years old, has or has not been placed in state or private care facilities, and meets at least one of the following criteria:

- was born out of wedlock.
- has lost both parents.
- has parents whose parental rights have been revoked by final court decisions or one deceased parent and another whose parental rights have been revoked.
- has been abandoned by both parents, whose identities are unknown.

- Residential facility staff should be trained on how to comply with quality standards (such as Quality4Children and the UN Guidelines for the Alternative Care of Children).
- Quality standards should be implemented throughout the process of care.
- Clubs and centres should be established to encourage interaction among youths, families, and care leavers, enhance social cohesion, and combat discrimination against care leavers, thereby increasing opportunities for them to be involved in society.

Identifying new research studies

It is important to gather qualitative and quantitative information on young people who have left care.

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- ¹ This chapter is based on a situation analysis prepared by Mirela Muca and Vilma Kolpeja of the National Albanian Centre for Social Studies and by Almandina Guma, Alketa Berzani, and Elsa Osmani of SOS Children’s Villages Albania. This situation analysis was done for SOS Children’s Villages Albania and published in December 2008. See Muca et al. (2008).
- ² Official data provided by the Social Services, September 2009.
- ³ Estimate based on interviews conducted during field visits.
- ⁴ Information based on interviews conducted during field visits.
- ⁵ Based on interviews with professional staff in care institutions and information on the low academic performance of children in care, particularly in public residential institutions and boarding schools.
- ⁶ See Legal Clinic for Minors (2007).
- ⁷ Article 59(e) of the Constitution stipulates that the state is required to provide care for children without parental care during their development and education.
- ⁸ This financial aid continues to be distributed as long as the beneficiaries have not secured accommodation or founded a family, even if they are 25 or older.
- ⁹ The Albanian lek (ALL) is the national currency.

AZERBAIJAN¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE AGEING OUT OF CARE

Out of an estimated total population of 9 million, 2.8 million are children under the age of 18, which represents 31 per cent of the population of Azerbaijan (RoA, 2009). Despite economic growth, one-third of the child population lives below the poverty line (UN, 2002, citing World Bank, 2006).

Children and young people in alternative care

The absence of a unified database and fluctuating data on the number of children make it difficult to determine exact figures. As a result of the assessment done for the State Programme on Deinstitutionalization and Alternative Care, a database of children in care has been created within the Ministry of Education. The Child Protection Network is preparing a special computer programme for that database.

There are about 13,000 children (including children with disabilities) in 55 residential care facilities, of which 4,055 have been placed permanently (MoE, 2009). The remaining 10,334 spend the night or weekend at home (RoA and UNICEF, 2006). About 3,000 to 6,000 children with disabilities are in residential care, most of them with mental disabilities or with a hearing or speech impairment. Children under guardianship and in other forms of care, such as that provided by SOS Children's Villages (currently 160 children), are not included in these figures.

Most children are currently placed in residential care and boarding schools. The reasons for admission include the breakdown of the family and social ties due to poverty (35 per cent) and the inability of single mothers to keep their children. Many children stay in these facilities for more than four years, due to a lack of periodic placement review or reunification efforts (UAFA, 2004; NGOACR,

2007; HRC, 2007). A recent decrease in the number of children in residential care might be due to more frequent monitoring visits and fewer admissions in the context of the Deinstitutionalization Programme.

A large percentage of children without parental care are placed with their relatives in informal kinship arrangements or under guardianship and trusteeship. Around 6,700 children live in guardianship families (UNICEF, n.d.). Placement with grandparents is usually the favourite option. The adoption rate is low as it is not encouraged and benefits mainly children under five without disabilities.

Young people ageing out of care

In Azerbaijan, young people must leave their care facility when they reach 20 or 22 years of age depending on the obligations of that care facility. Every year, hundreds of young people leave residential care without proper access to support services, financial assistance, or other guidance. There is no official data regarding the number of young people ageing out of care every year. Studies and reports describe the general situation of children in alternative care, but there is no monitoring or analysis of the situation of care leavers. Hence no detailed or disaggregated data is available. An assessment conducted by the Ministry of Education's Deinstitutionalization Working Group resulted in the adoption of the Law on Education in June 2009.

Profiles of young people ageing out of care

Research shows that young people leaving care are vulnerable and have difficulties leading an independent life.² The care facilities fail to prepare them for independent life—children live in seclusion and have little information about or understanding of the outside world. They lack the life skills needed to live outside a care facility.

Young people ageing out of large residential care settings and boarding schools have low educational levels and lack the skills necessary for securing employment. It is much more difficult for them to start a new life or continue their studies than it is for young people who live with their family of origin.

Paths taken by young people ageing out of care

The hundreds of young people who leave residential care and boarding schools each year are thrown into adult

GULAR

Gular is 21 years old. One year ago, after nine years in a residential care facility, she found a small flat in the outskirts of Baku and got a job in a supermarket right next to her flat.

Her younger brother still lives in the care facility. To visit him, she has to travel for an hour and incur additional costs for bus tickets.

Gular does not earn enough money to visit him every week, even though she would like to do so. She thinks that it is important to meet him regularly and to tell him more about the obstacles inherent in transitioning to an independent life. She wants to prepare him for his own departure from the care facility two years' time. She did not undergo any skills training herself and encountered numerous difficulties finding a job. She wants to do what she can so that her brother may avoid facing the problems she did.

life without adequate preparation. Consequently, many become unemployed or homeless. Being vulnerable and having no means to earn money for a living, many youths are forced to commit crimes. Vulnerability also leads to prostitution and suicide, unfortunately common among young people who have left residential care. Care leavers are often found living and working on the streets. They are vulnerable to abduction, trafficking, and sexual and other forms of violence and abuse.

A poll conducted among young people who aged out of residential care in the Baku, Gyandja, Mingeçaur, and Sheki regions from 2002 to 2005 reveals that 15 per cent of them were accepted into institutions of higher learning, yet only 20 per cent found employment, while 35 per cent got married. Only 30 per cent had a place to live and 10 per cent of the girls were already single mothers (NGOACR, 2005a; 2005b).

The whereabouts of many recent care leavers are not known. No services are available, no actions are taken to find these young people and assess their situation; nor are efforts underway to improve policies or develop better programmes to address their vulnerability.

2. SHORT DESCRIPTION OF AZERBAIJAN'S CHILD PROTECTION AND CARE SYSTEM

Main actors of the child protection and care system

In Azerbaijan the social protection of children without parental care is the responsibility of the state. The government develops and adopts different state programmes and national plans of action related to children.

The key government structure involved in the protection of child rights is the **National Commission on Minors' Affairs and Protection of Their Rights**. It is charged with coordinating the work of key state agencies and provides a standardized set of measures for providing care, protection, and social well-being to children in Azerbaijan. This includes monitoring the National Plan of Action adopted in 1998. The Human Rights Commissioner is responsible for complaints concerning violations of children's rights.

Established in 2006, the **State Committee for Family, Women, and Children's Affairs** aims to improve the system of development and implementation of child-oriented policies and legislation to target the needs of children and youth.

Three ministries share the management of childcare. The **Ministry of Education** is the leading ministry responsible for childcare, with more than 90 per cent of children in alternative care under its responsibility; this ministry has a lead role in implementing inclusive education and deinstitutionalization programmes. The **Ministry of Labour and Social Protection** and the **Ministry of Health** are responsible for promoting and protecting children's rights and well-being and for monitoring particular issues. Ten per cent of the children in alternative care are under the responsibility of the Ministry of Labour and Social Protection and the Ministry of Health. The latter is responsible for care facilities for children with severe disabilities and rehabilitation centres. It is also responsible for children under three (infant homes), sanatoriums for children, and polyclinics.

At the local level, the main childcare agencies are the **Commissions on Minors' Affairs and Protection of Their Rights**. They are entitled to oversee, supervise, and monitor the placement of children in residential care, support

children in crisis, and protect children's rights. Commissions are composed of two paid staff (a psychologist and a secretary) and nine unpaid volunteer members from the police; the departments of health, education, labour and social protection, and youth and sport; and a lawyer.

The state runs residential care facilities and regulates the adoption and guardianship system. The number of large residential care facilities has been declining in recent years as a result of orders to turn several boarding schools and other institutions into primary and secondary schools or lyceums. Azerbaijan has 55 public institutions. Although the legislation recognizes the existence of private care providers and authorizes family-like care facilities, there are only two private care providers: SOS Children's Villages and Place of Hope. SOS Children's Villages runs two private care facilities. Place of Hope is an NGO providing care for 3–18-year-olds in small group homes. There are no special regulations on family-like small group homes.

International NGOs support the system through technical and financial assistance, policy and strategy development, capacity building, monitoring and evaluation, data collection and analysis, advocacy, research, and monitoring. Children without parental care and at risk of separation are a major focus of UNICEF's Child Protection Programme; UNICEF also provides significant support and expertise on deinstitutionalization.

Types of care settings

There are 55 residential care facilities (mainly large institutions) caring for 13,000 children. Boarding schools also house children.

Family-style care includes kinship care, guardianship and trusteeship, patronage, foster care, and SOS families.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care

Several laws govern Azerbaijan's policy to protect the rights of children without parental care:

- the Law on the Rights of the Child (1998).
- the Law on Social Protection of Children without Parental Care and Those Who Lost Their Parents ('Law

on Social Protection of Children') (1999) and the Family Code (1999). This legislation describes and regulates the different forms of alternative care provided and the criteria for children being accepted into care, including children under 18 without parental care or having lost their parents, children deprived of parental care by court decision, children with disabilities with or without parents (recognizing special educational care needs), and children under the age of 14 who have committed a crime, unlawful actions, or so-called 'misbehaviour'. The children can be placed in facilities based on an official request from their parents, decisions of the Commission on Minors' Affairs, or by the courts.

- Law on the Statute of Commissions on Minors' Affairs and Protection of Their Rights (2002). This law identifies the Commission on Minors' Affairs as the key local government agency responsible for the protection of the rights of Azerbaijan's children, including those in state residential and alternative care and those about to leave care.
- Law on Youth Policy (2002). This law provides basic provisions for government support to young people, young families, and youth employment; as such, it also concerns young people leaving boarding schools and residential care. A 2007 amendment to this law increased the age of young people to be covered from 14 to 16 years, expanding services to more children, including those in need of care.
- Law on Education (2009).

Children without parental care may defend their own rights by appealing to the relevant local government agencies, including courts and Ombudsman institutions. Their guardians or adoptive parents, relevant local authorities (such as Commissions on Minors' Affairs or the police), and courts may also defend the rights of these children.

In 2005–06 the Cabinet of Ministers of Azerbaijan, with support from UNICEF and the involvement of several local and international NGOs, developed the State Programme on Deinstitutionalization and Alternative Care (2006–15). The implementation of this state programme is supported by a Master Plan for the Transformation of Child Care Institutions, adopted in 2006. The Ministry of Education is responsible for the coordination of its implementation. The Ombudsman's Office monitors the reform process.³ This state programme covers all areas of the de-

institutionalization, including prevention ('gate-keeping') and the provision of community-based care and after-care support to young people leaving care. This programme has helped to initiate discussions on after-care services; it foresees the development of after-care services and might facilitate more strategic and long-term partnerships between NGOs (currently the only providers of after-care services) and the government.

In January 2010, Azerbaijan's Council of Ministers signed a resolution to establish the Child Protection and Deinstitutionalization Department within the Ministry of Education (RoA, 2010). This department is responsible for child protection issues, including the implementation of the State Programme on Deinstitutionalization and Alternative Care.

Key legal provisions regarding preparation for leaving care and after-care support

There are no legal provisions targeting 18–24-year-olds who age out of care.

The 1999 Law on Social Protection of Children requires local government agencies to assess a child's situation and develop a comprehensive plan three months before he or she leaves care. During care the relevant local authorities must take the necessary steps to provide the children with vocational training and future employment prospects. This plan should map out a clear route to independence. The law also directs local authorities to provide financial support to children and youth in care, and care leavers within three months after leaving, based on official minimum standards. The allocation of financial resources comes from the state budget as well as extra-budgetary funds, such as grants and financial aid.

Children without parental care retain their rights to property or accommodation in their previous place of residence. Care leavers who do not have a previous residence are entitled to accommodation, without having to be placed on a general waiting list for housing. Young people who leave residential care are entitled to accommodation provided by the relevant local authority. Those authorities must find the appropriate accommodation or alternative temporary placement three months before a youth leaves care, in student hostels, educational facilities, or in the military (if they are recruited to military service).

The State Programme on Deinstitutionalization and Alternative Care should help tackle problems of young people leaving care. It specifically recognizes the need for government agencies to start preparing the children for an independent life as soon as possible, but no later than at 14 years of age. The document also sets forth minimum services that the government should provide to children ageing out of care, including vocational training and practice, financial support, provision of accommodation, assistance with employment, social and psychological counselling, and rehabilitation.

Identified gaps

- The Government of Azerbaijan does not have any specific policy, programme, or plan of action to acknowledge and solve the problems of children and young people ageing out of care.
- Local government agencies fail to tackle the problems these children face after leaving residential care.
- Although laws provide solid ground for recognizing the special needs of care leavers, most of the provisions are not implemented due to the inefficiencies of local child protection agencies and the absence of a strong child protection system or children's rights protection body (ombudsman).
- Monitoring of the regional Commissions on Minors' Affairs has revealed that they do not effectively perform their duties. This underperformance is due to reasons such as understaffing, a lack of resources, and failure to understand their duties and responsibilities. Unpaid volunteers rarely participate. The Commissions also fail to review children's placement in residential care periodically and to participate in local-level policy development. At the national level, the Commission has not convened for a long time and fails to shape government policy.
- Most of the adopted state programmes and national plans of action targeting children face implementation difficulties due to a lack of coordination between governmental structures and insufficient research, assessment, and piloting.
- The State Committee for Family, Women, and Children's Affairs has not become a lead agency due to a lack of expertise, inadequate human resources, and insufficient coordination with other government agencies and ministries.
- The 1999 Law on Social Protection of Children, which has been amended four times since its adoption, has not been implemented successfully.

- The Commissions on Minors' Affairs and other relevant government agencies do not recognize the specific needs and vulnerability of care leavers. They do not administer any specific programmes to protect these children from violence or trafficking, or to protect their rights, such as the restoration of a care leaver's right to property.
- Current legislation does not cover continuing assistance for care leavers aged 18–21, with implications for the provision of education and employment.
- The property rights of children in care and the provision of housing for care leavers have been among the most discussed and criticized areas of government performance. The local administrations do not help such children find housing. In 2007, children's rights organizations filed appeals and complaints to several local government agencies to provide housing for children leaving care and to restore their property rights, as their flats were sold by relatives while they were in care. In most cases, local authorities claimed that they did not have flats in their possession to provide to these children. The property rights clause of the current law stems from the Soviet Union's housing system, under which employers contributed to a special local-level housing fund to prevent people from waiting for flats. Today, municipalities lack funds and do not provide the children and young people leaving care with accommodation.
- Although the Programme on Deinstitutionalization and Alternative Care entered into effect in 2006, no major related activities have taken place. In 2006, the Ministry of Education established the Coordination Council to implement the de-institutionalization programme, but the Council ceased its activities in 2007. Key areas of intervention and minimum guidelines have been set, but the details of after-care services remain to be developed.
- The Law on Youth Policy seems to lack binding regulations. The law does not specifically mention young people ageing out of residential care, nor does it mention special care measures to which they should be entitled. There is a lack of coordination between ministries and a lack of strategic targeting of children's issues.
- There is a lack of professional supervision and follow-up regarding placement in the extended family due to insufficient regulations, assessment, training, staff capacity, and financial support or remuneration to guardians and foster families. The law does not recognize fostering as a profession; instead, it is treated as a form of volunteer guardianship.

- Courts entrusted with the termination of parental rights and placement decisions exhibit procedural delays, an inefficient administration, and a lack of specialized professionals.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

Azerbaijan has developed special programmes and plans of action to promote the reintegration and rehabilitation of children and to provide access to education, health care, and accommodation. In January 2010, for example, the government signed a resolution to establish the Child Protection and Deinstitutionalization Department within the Ministry of Education. This department is tasked with child protection, including the implementation of the State Programme on Deinstitutionalization and Alternative Care (RoA, 2010). The life skills education concept adopted by the Ministry of Education in 2006 for schoolchildren is an integral part of the school curricula and offers lessons in primary and secondary education settings. Children in residential care institutions are also entitled to benefit from this programme..

After-care services

There are no alternative care settings or other types of accommodation for 18–24-year-olds. Only SOS Children's Villages runs youth facilities and semi-independent programmes for young people up to 24 years of age. Different residential care facilities have varying obligations to accommodate youths until they are either 20 or 22 years of age,⁴ as the young people do not have a place to live or any funds to start independent life. The state does not provide financial or other resources to residential care facilities to care for children over 18. In order to prevent these young people from becoming homeless, facilities must therefore reallocate state funds, diminishing resources for younger children in their care. Some principals provide older youths with permanent jobs in their facilities, paying unofficial salaries. Once they turn 22, however, many are forced to leave the facility and are found living and working on the streets or in other precarious conditions.

Care leavers who are 15–18 years old are entitled to apply for vocational training with the purpose of future employ-

ment. The relevant local authority provides them with vocational training opportunities; they also provide individual career counselling and support in finding employment or accessing unemployment benefits. During the first employment of the young people, the state provides one-off financial aid five times the average salary as well as clothing and pair of shoes. Employers are not required to hire youths without parental care or children with disabilities; however, several laws provide incentives to those who employ them.⁵

The law requires local authorities and residential care facilities to provide certain support and services to children who are preparing to leave care. These services include vocational training in residential care facilities and financial support and assistance with employment after graduation from those facilities. In practice, however, only a small number do so and the services are not efficient and do not reflect the children's needs or the realities of the market economy. In 2007 the president signed into law a state programme on the development of professional vocational education covering the period 2007–13; this programme is expected to have a positive impact on the future employment and independent living of children leaving care. But the government has yet to develop criteria and guidelines, especially for the admission of children with disabilities and young people leaving care. In this context, vocational training is a key element of support.

In 2008, Save the Children USA started a new programme in cooperation with the Ministry of Education and Open Society Institute–Azerbaijan Foundation to develop vocational training opportunities for children in selected residential care facilities. It includes further employment assistance. This pilot project will be carried out in a facility for children with disabilities in Baku.

In 2008, the NGO Alliance for Children's Rights and UNICEF conducted interviews and surveys among children who had left the residential care system during the period 2005–08 (CRLC, 2008). In 2008, SOS Children's Villages supported the establishment of a network of young people ageing out of care, the Youth Reliance Bridge. Their first gathering was organized with the participation of government agencies and international and local NGOs.

The NGO Place of Hope offered services for street children and children without parental care as a temporary shelter for street children or children in transition. Funds for the programme were discontinued in 2008 and redirected to pilot foster care. The Heydar Aliyev Foundation recently built 50 flats for young girls leaving care in 2008, but they are still empty as the policies necessary to offer services and training for girls leaving care are not yet in place.

Identified gaps

- There are no government programmes to provide support or special services for young people leaving care.
- There is a lack of cooperation and coordination between government agencies and international and local NGOs, which often leads to a duplication of efforts. The absence of government funding for services now provided by NGOs is a major barrier to the development and expansion of alternative services in different parts of the country—except the flourishing capital, Baku, which has easy access to donors, including in the corporate sector. Government agencies see international NGOs more as 'cash-cows' than experts. This view is a result of past experience, when the state budget was low and international organizations provided funds without demanding supervision or accountability.
- The isolated living context of children in care fails to prepare them for social life outside the residential care facility. Children and students in residential care do not participate regularly in national or regional sport championships, in subject-based educational and art contests, or in scientific fairs or contests. Only NGOs promote such activities to a limited extent.
- The Employment Department in the Ministry of Social Protection and Labour promotes access to employment opportunities, but there are no specific provisions or regulations to support access to jobs for young people leaving care.
- Although incentives for businesses to hire young people ageing out of care exist in the Labour Code, the tax benefits have not yet been introduced to stimulate employers to take advantage of those incentives.
- Since the collapse of the Soviet Union and due to the global financial crisis, the government has neglected vocational training centres (known as 'professional education institutions' or 'colleges'). The resulting lack of funding has caused many centres to close or to con-

tinue without modern equipment, material resources, or funding. Many care leavers who would have been redirected to vocational training during Soviet times now remain without support.

- A theoretical approach to life skills education with no access or links to real life practice has little benefit for care leavers, who live in an isolated environment.
- Studies have shown that young people ageing out of large residential institutions are not supported by the administrations of their residences or by local authorities (CRLC, 2008; NGOACR, 2005b).
- State boarding schools lack the resources needed to provide quality vocational training and education for children leaving care.
- The laws and regulations governing targeted social aid do not recognize the specific needs of children leaving care. Moreover, corruption within this system prevents youths from receiving this financial aid. The health system is also underfinanced and corrupt, thus preventing the rightful free access of care leavers. There is a serious under-investment in social services.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

Care leavers face discrimination in all spheres of life, including access to health care, education, employment, and housing. The local authorities do not recognize the special needs and vulnerability of these young people. The main violations of care leavers' rights relate to the following areas:

- **Isolation.** Isolated institutional settings with a rigid schedule, limited outside contacts, and a lack of participation in youth and children's organizations and associations prevent them from being properly prepared for outside social life. In the words of one child, 'half of our life we are locked away.'
- **Abuse.** Physical and social isolation, a lack of monitoring mechanisms, and barriers to public access enable widespread violence and abuse in care facilities. Owing to fears of reprisal, most abuse is endured in silence. Studies conducted by the NGO Alliance for Children's Rights for UNICEF and the Ombudsman uncovered

various forms of punishment and humiliation (HRC, 2007). Children with disabilities are especially vulnerable and girls in residential care are at a high risk of being physically and sexually abused by staff and peers (HRC, 2007; 2008; NGOACR, 2005b).

- **Right to non-discrimination.** Children without parental care and those in care suffer stigmatization, leading many to drop out of the educational system. Prejudices lead to a lack of educational and technical resource provision as well as low supervision and performance control. Care leavers face discrimination in job interviews. This especially concerns children with disabilities, who are often sent to special care facilities or locked away.
- **Right to education.** The quality of education in residential care facilities is poor and provides little developmental support. Care leavers have few opportunities to get admitted into vocational training schools or the higher education system. Young people leaving care lack vocational professional skills, knowledge or an understanding of the work environment, and the skills required for the job market.
- **Right to health care.** Children leaving care are not entitled to any privileges regarding access to health care. By law, the health care system should provide free medical aid, yet in practice these children have very limited access and do not receive qualified medical assistance, partly due to widespread corruption within the health system.
- **Right to property.** Violations of property rights are widespread. Although children who are sent to residential institutions have a right to inherit and reclaim the flats owned by their families, there are cases of parents or other relatives illegally privatizing and selling the property (CRLC, 2008). The Law on the Statute of Commissions on Minors' Affairs and Protection of Their Rights, in particular, fails to protect them with respect to this issue.
- **Right to protection.** Although children and youths have access to an ombudsman, care leavers rarely appeal to this institution for support or protection. Many of them face abuse and violence from the police. The criminal justice system is primarily punitive and provides few

opportunities for alternative measures or the rehabilitation of children and young people who have committed crimes or misdemeanours.

- **Right to participation.** The voices of care leavers are not heard. They have not been trained to participate in formulating the policies that concern them nor do they understand them. And they have not been prepared to live in society.

6. OFFICIAL DATA SOURCES

Statistical data on children in alternative care and young people ageing out of care can be obtained from the Azerbaijan State Statistics Agency.

7. RESEARCH ON TARGET GROUPS

There is no research on young people ageing out of care in Azerbaijan.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Poverty should no longer be accepted as a sufficient reason for placing children in residential care or juvenile justice facilities. Characterized by poor educational and social standards, facilities isolate youths, make them vulnerable to abuse, and fails to prepare them adequately for life after care. Their property rights are often violated and their access to services is denied.

Improving the legal and policy framework

- The government should develop an adequate national policy on young people leaving care. Certain laws should be amended to address the needs of the care leavers better, and their implementation should be more actively promoted. Preparation for leaving care should begin by the age of 14; legal provisions should guide the process for 18–24-year-olds who are ageing out of care.
- The government should develop a national strategy and mechanisms to provide services and protect the rights of young people leaving care, including social support. This includes amendments to the 1999 Law on Social

Protection of Children without Parental Care and Those Who Lost Their Parents. The amendments should specifically address the needs of these children, the age of leaving care, and after-care services. They should cover all youths under 24 who have left care.

- The Commission on Minors' Affairs should be reorganized to reflect modern legislation in the field of residential care for children and their protection. Their work should be aligned with that of similar agencies in other countries. The Commissions should be transformed from referral bodies for care facilities into child protection agencies.
- The government should adopt specific legislation to support young people who leave care. The law should specify that 18–24-year-olds are entitled to special care and services, such as employment, education, and family reunification.⁶ This law should require 'pathway plans' for children in care to be initiated by the age of 14, as they also need, financial support, personal counselling, and financial assistance regarding education, employment, and training. Young people between the ages of 18 and 24 should also receive counselling and support for their education and accommodation.
- Measures should be taken to ensure the protection of property rights for care leavers and the restitution of this property when young people turn 18.
- The age limit in the 2002 Law on Youth Policy, which provides support for youth employment, should be increased to meet the needs of care leavers up to 24 years of age.

Improving services and practice

- Government agencies (mainly the Commissions on Minors' Affairs) should develop and provide after-care services including counselling, job orientation, guidance, and referral services that respond to the needs of 18–24-year-old care leavers.⁷ Except for some access to vocational training, these services do not yet exist. Discussions and improved services are about to begin, and hope is placed in the State Programme on Deinstitutionalization and Alternative Care to establish a minimum set of services.
- Shelters for homeless children and youths up to 24 years of age who have left care should be made available by the government or by NGOs with government support.
- Social workers in local government agencies, service-

KEY CHILD AND YOUTH CARE TERMS

Children without parental care. The 1999 Law on Social Protection of Children without Parental Care and Those Who Lost Their Parents differentiates between children who lost their parents due to their death and children whose parents were deprived of parental rights by a court decision, associating different kinds of social and financial support the children will receive. The law stipulates that when children enter institutional care, they automatically become ‘children without parental care’, even if they still have parents. It is assumed that parents voluntarily agreed to place their children under state care and therefore transfer their parental rights to the state, limiting their own involvement and rights.

Boarding school (*internat mektebi*). Pupils not only study in a boarding school, but some also live there during the school year. Most boarding schools also have day students. Children are supposed to stay only during the school year, but in practice a vast number of children are left in the schools all year long. The delicate bonds with their relatives—who are often very poor and live far away from the schools—are often completely severed.

Foster care (*himayerdarlig*). Foster care is based on a contract drawn up by the relevant guardian, the foster family (a couple or a single person), and the Guardianship and Trusteeship Agency. The Family Code introduced foster families as a new type of care, but the by-laws for the creation of foster families have yet to be created. There are currently no formal foster families in Azerbaijan. Whereas there is an age restriction for guardianship and trusteeship, there is none for foster care.⁸

Guardianship (*qeyyumluq*) and trusteeship (*himaye*). Like a parent, a guardian is obliged to ensure the development of the child, to protect his or her rights and interests, and to prepare him or her for independent life. The guardian is recognized as the legal representative of

the minor by a court decision and consents to adoption and foster family placement. The vast majority of guardians are relatives. Guardianship is provided for children up to the age of 14 and trusteeship for 14-18-year-old.⁹

Patronage (*qeyyum*). Patronage is a new idea and remains virtually absent in practice. The number of children under patronage is not available. In this form of care, a teacher of a residential care institution takes care of a child based on an agreement between the teacher and the relevant government agency. Patronage is considered a temporary placement until a final placement is found through guardianship or foster care or until the child is adopted. The Children’s Rights Legal Clinic and the NGO Alliance for Children’s Rights are working on amendments to the Law on Social Protection of Children without Parental Care and Those Who Lost Their Parents in order to change the terms of patronage and to promote only the use of foster care.

Residential care (*ushaq muessiseleri*). Residential care remains the main form of custody for children without parental care. Under the Family Code, the responsibility for a child without parental care lies with the relevant body in the local executive branch of government. Residential care facilities range from large residential institutions to smaller residential care units. Boarding schools are also used as a form of residential care.

providing NGOs, and state-run residential care facilities should produce pathway plans with and for young people in their care. This plan should be completed by the time they reach 16. It should cover accommodation, education, and financial and personal needs over the next five years or until the youth turns 24. Youths should receive education, training, and employment support; assistance in buying books, equipment, and clothing; and registration and examination fees to enable them to enter higher education or a vocational training institution. The government should offer training skills to qualify social workers in these fields.

- Foster care should be promoted.
- Training for social workers who do family casework should be improved.
- Local authorities (such as the Commissions on Minors’ Affairs and municipalities) should provide the following open services for care leavers:
 - group work, including periodic gatherings, and social and life-skills training workshops.

- flexible drop-in services for guidance and social counselling, monthly open sessions, pre-employment accompaniment, legal counselling, and problem-solving support.
- trained volunteers mentoring on life skills, including the prevention of drug abuse and crime.
- a free list of locally available youth services.

Providing better data

- To contribute to legislation and policy development, the national government should conduct an assessment of the situation of young people who left care in the last three to four years.
- NGOs should conduct independent assessments to analyse the needs and problems of the children they serve.
- The national government should keep a centralized database with updated information on children and youths up to 24 years of age who have left care and who are leaving care. This should include information on services they have received and additional needs.

¹ This chapter is based on Seyidov, Mammadova, and Aliyeva (2008).

² See, for example, UAFA (2003); NGOACR (2005b); HRC (2007).

³ In Azerbaijan, the Commissioner for Human Rights serves as the Ombudsman.

⁴ See, for example, NGOACR (2006; 2007).

⁵ This legislation includes the Law to Fight Tuberculosis (2000) and the Labour Code (2000, arts.16, 38, 91).

⁶ Such services should be similar to those stipulated in the 2007 Law on Rehabilitation of People Leaving the Penitentiary System.

⁷ The age range of 18–24 years is recommended based on extensive international experience and the needs of children after they leave state institutions.

⁸ The age restriction is defined in the Family Code (art. 142).

⁹ The age restriction is specified in the Family Code (art. 136.1).

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BOSNIA AND HERZEGOVINA¹

1. THE TARGET POPULATION OF CHILDREN AND YOUNG PEOPLE AGEING OUT OF CARE

In 2008, Bosnia and Herzegovina's population was estimated at 3,773,000, of which 736,000 (nearly 20 per cent) were under 18 (UNICEF, n.d.). About 777,000 young people are aged 15–29 and about 607,000 children and youths are under 15 (CCYI, 2008).

Notwithstanding improvements in data collection at the national level, properly disaggregated statistical information on the situation of children and youths remains scarce. The last census was carried out in 1991, which makes it difficult to estimate the general profile of the population of young people aged 15 to 24. In addition, the lack of uniform standards by which to gather data about children without parental care makes registration and monitoring difficult. At the same time, follow-up on young people leaving care is not required by law.

Children and young people in alternative care

The entity laws on social welfare define a child without parental care as 'a child without both parents; whose parents are unknown; who was abandoned by parents; whose parents are deprived of parental rights or their parental rights were limited'. While the family laws do not provide a definition of children without parental care, they acknowledge the following reasons for placing children under guardianship: the parents died, are missing, or unknown; the parents are deprived of parental rights; the parents lack legal capacity; the parents have been neglecting the child; the parents are absent and unable to take regular care of their children.

As a result of these varying approaches, there is no agreed single definition of children without parental care. Furthermore, these laws do not specifically distinguish children who are temporarily separated from the family of origin

and whose development is hindered due to family circumstances (such as when parents are unable to support and promote the child's physical and mental development). Children may be placed in residential care or with foster families regardless of whether they have been permanently or temporarily separated from their family of origin.

Inconsistent legal provisions have also generated confusion concerning data about children and youths in alternative care. Data available for 2006 indicates that 2,000–4,000 children live without parental care in Bosnia and Herzegovina and 4,044 children live under guardianship (BiH, 2006). Neither figure is disaggregated according to the type of guardianship (centres for social work or physical persons) or type of placement.

Among children in care, the largest proportion comprises youths who have lost both parents (though that category decreased by 20 per cent between 2001 and 2006). The majority of them are in the oldest age bracket among youths in care and are usually war orphans.² The next biggest categories are children who have been abandoned by their parents, and children of parents whose parental rights have been limited due to varying circumstances (such as illness, imprisonment, lack of legal capacity, work abroad, abuse, and neglect). Among the last two categories, the majority of children are of single mothers (who are most often young or even underage). The majority of children without parental care are thus called 'social orphans' as they lost parental care due to socio-economic reasons.

At this writing, about 1,000 children were living in residential care facilities. The majority of children without parental care are placed with foster families, yet the exact number is unknown. About 500 children with disabilities live in residential care facilities (Lyalina and Sofovic, 2008a). Children with disabilities who do not live with their families of origin are usually placed in residential care facilities as specialized foster care for them does not exist. Available data reveals that there has not been a significant decrease in the number of children placed in care over the past few years.

Young people ageing out of care

Empirical data shows an increase in the number of young people leaving care over the past few years. About 30 per cent of children in residential care facilities are 15–18 years old.

This situation probably reflects the ageing out of care of the ‘war generation’. At this writing, 558 children aged 15–24 were planning to leave or had already left public care; of that group, 403 were 18–24 years old, 155 were 15–17 years old, and 84 had disabilities.³ The majority of them were living in residential care facilities in Banja Luka and Turija (Tuzla Canton) and in the SOS Youth Facilities in Sarajevo. As available figures do not include foster children, the total number of children leaving public care is actually much larger.

In general, young people leaving care have lower levels of education than their peers, especially with respect to universities; while 68 per cent of 20–24-year-olds have completed their secondary education, only 27 per cent of care leavers have (for universities, the ratio is 24 per cent of the general youth population to 4.2 per cent for the care leavers.). The employment rate of young people in the general population is 41.5 per cent whereas for care leavers it is only half of that (CCYI, 2008).

Centres for social work manage health insurance for care leavers, 99 per cent of whom are covered (whereas only about 90 per cent of the general youth population is covered). Seventeen per cent of care leavers possess property for housing; only 16 per cent access any after-care services, though data is incomplete.

None of the care leavers covered by this analysis are homeless; 2.0 per cent have problems with alcohol abuse; 1.8 per cent are in conflict with the law; 8.0 per cent are married; 0.8 per cent are divorced; 5.0 per cent are parents, of which 0.2 per cent are single parents; 0.7 per cent have faced violence; and 0.4 per cent report having been sexually abused. Empirical research and children’s focus group discussions confirm that girls tend to marry soon after leaving care.

2. SHORT DESCRIPTION OF BOSNIA AND HERZEGOVINA’S CHILD PROTECTION AND CARE SYSTEM

Main actors of the child protection and care system

The state of Bosnia and Herzegovina has two administrative entities: the Federation of Bosnia and Herzegovina (FBiH), which is divided into ten cantons, and the Republika Srpska. There is also the autonomous District of Brčko.

Children’s rights have been impeded by the legacies of war, both through the post-war political structures and the socio-economic transition. According to the Constitution of the FBiH, the Federation government and the cantons share responsibility for social welfare and education policy. Within that framework, cooperation among numerous stakeholders is often inefficient. Mandates for social, educational, and health care are assigned to many levels of government and administration, including the state, the two entities, Brčko, and the ten cantons and their 137 municipalities.

While the national government has only a limited influence on social welfare, various entity ministries and cantonal authorities are responsible for policy-making, strategy, the development of standards, monitoring, supervision, and financing for different forms of child placement.

Municipal authorities are responsible for service provision, data gathering, and local policy implementation. Local centres for social work are guardianship bodies with wide decision-making and supervision functions in the area of placements.

Types of care settings

Residential care

More than 1,000 children are in residential care. Bosnia and Herzegovina has 15 residential care facilities for children without parental care (13 facilities in FBiH and 2 in Republika Srpska) and 4 residential care facilities for children with disabilities (2 in each entity).

On 1 July 2008, the transformation of the Children’s Home ‘Most’ into a small family-type home in Zenica was completed. New placements were found for all the affected children, some of whom returned to their families of origin, were placed in foster care, were adopted, or transferred to the new home. The transformation was carried out from 2006 to 2008 by the British non-governmental organization (NGO) Hope and Homes for Children in partnership with municipal and cantonal authorities, through the project ‘Development of Family-based Services for Children without Parental Care’ in Zenica.

Of these residential care facilities, five are very large with capacity for 100 or more children, and three can house 50–100

children. The occupancy rate in residential care stands at about 80 per cent; approximately 50 per cent of the children have spent more than three years in residential care.

Family-based care

Foster care is regulated by the Law on Social Welfare. Data on the number of children in foster care is incomplete. The 2006 Statistical Report on Social Welfare indicates that only about 800 children live with foster families (both kinship and non-kinship foster care) (BiH, 2006), but the real figure could be about 3,000 (including children under guardianship and in facilities). In the Republika Srpska, placing children in foster families is more widely practiced: about 80 per cent of children without parental care are placed with foster families. The vast majority of children in foster care are placed with their extended families (85–90 per cent), very often with grandparents. Comparative data for the period 2001–06 shows a slight decrease in the number of children placed in foster families in Bosnia and Herzegovina. This may be a result of a large number of children, having lost their parents having grown up in extended families, attaining the legal age. The school attendance rate in this category is lower, especially in the case of extended families, due to a lack of supervision and accessibility.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care

Various laws concern children without parental care. The national constitution devolves responsibility for social issues to the level of the entities and does not refer to family and child protection issues; as a consequence, there is no national legislation.

Key legislation defining the child and youth care system includes:

- the Law on the Basis of Social Welfare, on the Protection of Civilian War Victims and Families with Children of the Federation of Bosnia and Herzegovina, which provides definitions of children without parental care, neglected children, and children whose development is hindered due to family circumstances. This law regulates forms of placement such as foster families and residential care.

- the Law on Social Welfare of the Republika Srpska, which has similar provisions. It also defines the status of the centres for social work. According to this law, the municipalities create municipal social welfare programmes on the basis of the local social situation and oversee the work of social welfare institutions.
- the Law on Child Protection of the Republika Srpska, which includes provisions for different types of allowances and cash benefits and preschool education for children without parental care.
- laws on social welfare of both entities and of the cantons, which regulate the goals and obligations of placement in residential care facilities, including basic needs, health care, regular education, and training.

Key legal provisions regarding preparation for leaving care and after-care support

There are almost no legal provisions explicitly related to young people leaving public care. Some articles of the following laws could be applied to the young people leaving care: entity and cantonal laws on social welfare, entity and cantonal laws on the rights of the war veterans, and entity laws on health insurance.

The entity and cantonal laws on social welfare stipulate that in exceptional cases a person may be considered a child until the age of 27 if he or she has a right to a child allowance or to a scholarship. Children without parental care have priority in the allocation of cash assistance. These provisions could be interpreted in such a way as to include foster care.

In regulating the aims and obligations of placement in residential care facilities, the entity and cantonal laws on social welfare provide for regular education, training for work, integration into the community, life skills such as culture and hygiene, and creative activities. These laws require that a child without parental care be placed in alternative care until he or she is prepared for independent life or completes his or her compulsory education.

Laws on social welfare broadly say that children have the right to be placed with a foster family until they have completed their compulsory education, or for a maximum period of 12 months following the completion of compulsory education. Thereafter, the local centre for social work must secure other forms of care for the child.

A draft Law on Social Welfare in Republika Srpska tasks municipalities with the provision of services such as assistance in securing employment, accommodation, and financial benefits to youths leaving public care.

Entity and cantonal laws on the rights of war veterans provide for benefits for children of combatants who died. This includes priority in employment and education as well as the financing of a home.

Entity laws on health insurance encompass entitlements to health insurance for unemployed persons, beneficiaries of cash assistance, and those living in residential care.

Policy and strategy documents

The Policy Document on Protection of Children without Parental Care and Families at Risk of Being Separated in Bosnia and Herzegovina 2006–2016,⁴ endorsed by the FBiH Ministry of Labour and Social Policy in 2008, includes 18–27-year-olds who had the status of a child without parental care at the time they attained legal age. Professional orientation and training for independent living are seen as priorities for young people who leave public care. The centres for social work are required to draft protection plans for each of these young persons.

Once implemented, the Policy Document will task working groups with the planning and operation of a multi-sector approach designed to monitor integration of care leavers and to provide them with support and assistance in finding housing, securing employment, accessing health care, and meeting other needs. These groups will also draft amendments to the laws on labour, employment, health insurance, and education to provide the foundation for the realization of these rights.

The Republika Srpska adopted the Strategy on Improving Social Protection of Children without Parental Care in 2009, along with a plan for 2009–14, which includes the protection of youth leaving public care.

Strengths

- Some existing legal provisions could be interpreted in favour of youths leaving care.
- Professionals and policy-makers agree that social protection for youths leaving care needs strengthening; policies have been developed and adopted as a result.

- Cooperation and trust between NGOs and the government are improving. For example, NGO representatives participate in the work of the Commission for Coordination of Youth Issues within the Council of Ministers and Republika Srpska's Youth Council. Strategic government documents address the importance of cooperation between governmental and non-governmental sectors. The above-mentioned policy document provides for state institutions, NGOs, and the private sector to introduce a mixed system of services with defined standard costs, and various funding sources. Their activities will be monitored by public administration bodies. The Medium-term Development Strategy BiH 2004–2007 envisages a legal framework for including of NGOs into the social protection system and an increase in their policy-making role.

Identified gaps

- A lack of legal provisions and systematic response to the needs of youths leaving care is one of the main constraints to fulfilling the responsibilities of stakeholders.
- The fragmented, decentralized structure of the government makes implementation of national policies and legislation a significant challenge and results in a lack of responsibility and accountability.
- Tension between cantonal and entity-level political interests and limited capacities impede efficiency. The lack of cooperation, the absence of a centralized database, and limited financial resources further hamper protection work.
- The existing legal and institutional system does not address the problems of youth in general or of vulnerable groups such as young people leaving care. Measures of support and protection are not prescribed by the law, but depend instead on individual initiative and the commitment of duty bearers.
- Further challenges to implementing the law include the limited mandate of state-level institutions to influence policy development in the area of social welfare and the lack of budget allocations for child protection at the national level.
- Most cantonal laws on social welfare do not specify whether 'completed education' refers to primary, secondary, or higher education.
- The laws on social welfare stipulate that expenses incurred through residential or foster care placement shall be paid from the income of the beneficiary and from child

support. The result is that children in public care are not given an opportunity to save money for the start of their independent life. However, some cantonal laws allow social workers to decide on how a child's income is used.

- Laws do not describe the responsibilities of foster parents, but only their limitations. They may not make important decisions concerning the child (such as terminating their education, sending them to another school, or deciding on employment issues) without the consent of the parents or a guardianship body. The laws do not specify whether foster parents have the status of a guardian. There is a lack of standardized procedures for registration, recruitment, assessment, training, support, and supervision of foster parents. Fostering is not recognized as a profession by law. Remuneration and child support compensation differ across entities and cantons.
- Various policies contain references to supporting vulnerable youths. Neither the FBiH nor the cantons have youth policies or any activities addressing youth issues, although 25 per cent of municipalities in Bosnia and Herzegovina have adopted youth strategies.
- There is no systematic monitoring of the situation of youths who have left public care. There is no functional database on social protection clients and follow-up on youths who have left care is not an obligation of the duty bearers.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

Preparation services for leaving care are provided mainly by residential care facilities (most of which are public in Bosnia and Herzegovina); SOS Children's Villages; and occasionally by local NGOs. Local NGOs, residential care facilities, schools, and centres for social work offer workshops in the following areas: life skills and preparation for independence, professional development, psychological support, protection of property rights, the strengthening of ties with families of origin (for example by supporting negotiation and assistance in housing solutions), integration into local communities (mostly through extra-curricular activities), health, and family planning. SOS Children's Villages prepares youths for independent life through individual plans, the guidance of educators, and semi-independent living programmes.

After-care services

The provision of after-care services— in terms of both quality and geographical and per capita coverage—is inadequate.

SOS Children's Villages and the NGO Hope and Homes for Children are the leading service providers of after-care services for young people. Other specialized services for care leavers are usually provided by centres for social work, municipalities, and NGOs, but they are usually of lower quality, ad hoc, or not sustainable. UNICEF supports advocacy and project work related to care leavers. International and local NGOs and public agencies offer numerous services to care leavers, including:

- SOS Children's Villages. Semi-independent living includes comprehensive counselling and financial support (tuition fees, daily expenses, accommodation) and lasts for up to three years or until graduation plus 12 months. A Housing Support Programme assists care leavers with the purchase of premises or adaptation of existing facilities and a start-up package lump sum for buying supplies.
- Hope and Homes for Children. Through the Youth Support Project, a care leaver is supported for a one-year period based on a care plan that is revised on a monthly basis (regarding accommodation, financial support, informal education, life skills training, professional specialization within the labour market, employment through paid internships, and increased relations with families of origin).
- Centres for social work (such as in Banja Luka). Upon request, they offer prolonged guardianship to young people 18 years and older who are pursuing higher education. They also provide financial support (for food and accommodation) for several months, while assisting young people to find employment. The centres supervise half-way houses (temporary accommodation for care leavers).⁵
- General youth information centres or public youth services. These provide counselling and reproductive health services, peer or informal education, extra-curricular activities and recreation, family counselling, guidance on violence and drug prevention, scholarships for Roma children or children of war veterans, and help regarding the property rights of internally displaced children.

- ‘New Vision’ in Zenica. This association was established in 2004 by young people who grew up in residential care. They assist children who are preparing to leave care and who are transitioning to independent life. They offer workshops and representation in dealings with local authorities, focusing on education, employment, and housing. They participate in the meetings on youth issues of the Municipal Council and in pilot projects.

Other NGOs or municipalities provide psycho-social support in education and employment; student homes for foster care leavers (from age 15); and coverage expenses during transition periods.

Strengths

Numerous services for youths leaving care and for youths in general exist on a pilot basis around the country. Institutions, centres for social work, and NGOs have tested good models of service provision and are planning to integrate these into the public system.

Identified gaps

- Children are not adequately prepared for independent life; they lack knowledge, have low levels of education, and are deficient in life skills.
- Networks between childcare providers and relevant support institutions in the community are not adequately developed, which negatively impacts on the integration of youth into society.
- Since the vast majority of children in foster care live with extended families, they often stay there after turning 18. In the case of non-kinship foster care, however, some families do not provide after-care services because they no longer receive financial support once a child has reached the age of 18.⁶
- Centres for social work do not follow up on youths leaving care due to a lack of formal obligations. They prioritize cash benefits and residential care placement over alternative forms and prevention. The centres lack individual case management skills, networking, and proper staffing.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

The main problems youths face after turning 18 concern employment and housing.

- **Right to quality alternative care.** Children in residential care facilities are not protected by the state as standards for residential care do not exist. Service providers apply discriminatory practices. Church and private service providers are not well supervised by the state, and residential care facilities for children with disabilities lack legal status. Some residential care facilities provide life skills training only for girls, not for boys.

Families of origin or other responsible persons are required to pay child support for children in foster care although these payments are the state’s responsibility and child support should be a supplementary sum (as is the case with residential care). The payments, which are irregular, are made to the centres for social work, which in turn pay foster families.

The emotional needs of children in care are not met due to a lack of individual attention and poor staff training. Centres for social work make decisions regarding youths in care and simultaneously review the complaints of children in alternative care, which leads to a conflict of interest.

- **Right to maintain contact with the family of origin.** Not enough is being done to reintegrate children with their families of origin or to help children maintain regular contact. This hampers family support and reintegration after youths turn 18. Insufficient attention is paid to the right of every child to regular contact with parents and relatives; residential care facilities do not always have the contact details of the parents of the children in their care.
- **Right to employment.** In general, informally employed care leavers cannot exercise their right to health and social insurance. There is no legal provision for employment benefits for children without parental care after the age of 18. Prejudices make it difficult for Roma youths to get employment (CCYI, 2008, p. 87).
- **Right to education.** Cash assistance is prioritized, although it is not the best protection measure. Education is more important, but not necessarily in the opinion of the authorities. It is vital enabling a young person to be self-sufficient and to take care of himself or herself. Despite legal rights, in practice children in care are not encouraged to receive a higher education and have to leave

care soon after turning 18. Scholarship criteria are not transparent. There is a lack of extra-curricular activities and talent development for children in care.

- **Right to property and adequate housing.** The property rights of children without parental care are poorly protected. No follow-up plans and support networks are provided for children leaving institutions. There is a problem of accommodation for youths who leave public care after turning 18.
- **Right to protection from violence.** Violence in residential care facilities is widespread. Service providers lack sensitivity and awareness. Some children’s residential care facilities are not organized in a child-friendly way, largely because there are no official standards to which they might be held.
- **Right to participation.** Children in residential care facilities are less aware of their participation rights and less able to articulate their views. Both residential care facilities and foster families lack adequate methods to promote child participation.
- **Right not to be discriminated against.** The general public often stigmatizes children living in alternative care. Roma children and children with disabilities deprived of parental care usually live in residential care facilities as families show no interest in adopting them or providing them with foster care. Children in remote facilities are even more stigmatized and isolated.

6. OFFICIAL DATA SOURCES

The main official sources of information regarding young people ageing out of care are:

- the Agency for Statistics of Bosnia and Herzegovina (www.bhas.ba).
- the FBiH Federal Office of Statistics (www.fzs.ba/).
- the Republika Srpska Institute of Statistics (www.rzs.rs.ba).

General statistics on youth can be found in the 2008 report, *Young People Need a Youth Policy! Analysis of the Position of Young People and the Youth Sector in BiH* (CCYI, 2008).

7. RESEARCH ON TARGET GROUPS

This study has not been able to locate any research concerning young people ageing out of care in Bosnia and Herzegovina.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Improving the legal framework and policy

- Policy-makers at all levels (especially the local ones, since they are more likely to come into direct contact with youths in care) should pay more attention to the issues faced by young people leaving care.
- Youth policy should not be based on the traditional approach of ‘ensuring survival’ but rather of empowering youths.
- NGOs should participate in the development of the National Policy on Youth and advocate the adoption of legal provisions for the protection of young people leaving care. NGOs should increase their participation in the development of policy, standards, and implementation (including sharing best practices, such as Quality4Children), legal reform, and strategic planning led by the government at different levels. Those reforms should include the following points:
 - the extension of foster care for youths who can be considered a child until the age of 27 if they are enrolled in school or university and have a right to a child allowance or a scholarship.
 - better access to informal education such as courses, training, and workshops in relevant subjects. Youths without parental care should be assured privileges in enrolment and should be able to access higher education free of charge.
 - development of a housing policy for youth leaving care, including ‘social apartments’ and special loans.
 - development of a comprehensive policy on the inclusion of young people with disabilities.
- An awareness campaign against the stigmatization of children without parental care should be conducted. This campaign should promote child rights and inclusion, with media involvement.

Improving the services and practice framework

- Care providers, whether public or private, should:

- provide additional training on child rights approaches for educators.
 - promote regular contact between children and their families of origin.
 - strengthen comprehensive support to children leaving care to facilitate their integration into society.
 - strengthen counseling and support for formal and informal education.
 - provide education on gender issues to beneficiaries, especially for girls, who tend to marry earlier.
 - introduce peer education in care leaving projects.
 - save up the child allowance and other sources of income of children without parental care to help them get started after they turn 18.
- Young people ageing out of care require additional services to be able to transition to an independent life and to develop their full potential. The following steps should be taken:
- develop standards of services for youths leaving public care.
 - scale up and integrate pilot and ad hoc services provided by NGOs, residential care facilities, and centres for social work into the system.
 - provide professional orientation, career development, and support for starting a business.
 - provide counseling on educational and employment opportunities, legal aid (especially on property and labour issues), social protection, and the dangers of drug abuse.
 - provide assistance with protecting property rights.
 - offer gender-sensitive information services for youths.
 - provide access to psychological support.
 - offer services targeting children and youths with disabilities (such as ‘supported living’ in small group homes in local communities).
 - provide services to ensure that families of origin have visitation rights.
 - provide free education (higher and informal); ensure opportunities for continuing education after the three-year vocational schools and promote higher education among care leavers; and assist youths in securing scholarships and study loans.
 - develop programmes on youth employment for care leavers, including protection in labour relations (such as contracts) and information on rights

- (such as health insurance); provide opportunities for internships and apprenticeships; encourage youths to take on unpaid internships and volunteer work to acquire experience and skills; support entrepreneurship (through skills training, mentorship, access to funds and premises); promote employment measures.
- organize more activities to support the participation and integration of young care leavers in the community; involve care leavers in planning, elaboration, implementation, and evaluation of programmes related to them; provide incentives to public authorities to encourage consultations and dialogue with care leavers.
- adopt a strategic approach in counselling young people based on needs and resources, and develop counselling services (including strengthening capacities of existing public entities, NGOs, and teachers and psychologists at schools).
- establish a network of youth information centres and develop and promote web portals containing information for youths.

Providing better data

- Care providers should formalize data collection; they should gather and regularly update information on young people who have left care.
- All services for young people leaving care should be mapped out and a national database should be developed.

KEY CHILD AND YOUTH CARE TERMS

Centre for social work (*centar za socijalni rad*). This local statutory service is in charge of social protection and childcare. The centre is also responsible for guardianship. Their functions are regulated by laws on social welfare, family laws, laws on child protection, and criminal laws.

Foster care (*hraniteljstvo*). Children deprived of parental care may be placed with a foster family based on a contract with the centre for social work. A foster family receives a childcare allowance.

Guardianship (*starateljstvo*). A form of protection for children without parental care regulated by the family laws of the entities and provided by the community. Its two aims are the protection of the personal and property rights of children without parental care and their upbringing in a family environment. Centres for social work can be responsible for guardianship.

Youths. Different definitions of ‘youths’ appear in various official documents and laws:

- Persons aged 16–30 (Law on Youth Organization of Republika Srpska, 2004).
- Persons without parental care from 18 to 27 (Policy Document on Protection of Children without Parental Care and Families at Risk of Being Separated in the Federation of Bosnia and Herzegovina 2006–2016).
- In exceptional cases, a person can be considered a child until the age of 27 if he or she receives a child allowance or a scholarship (entity and certain cantonal laws on social welfare).

- ¹ This chapter is mainly based on Lyalina and Sofovic (2008b).
- ² These youths lost their parents in the Bosnian War, which lasted from March 1992 to November 1995.
- ³ This data was gathered from five large residential care facilities, two family-style care organizations (SOS Children’s Villages and ‘socio-pedagogical communities’), and two projects of Hope and Homes for Children. The statistics presented in the report are based on this sample. See Lyalina and Sofovic (2008b).
- ⁴ This policy document has yet to be implemented. Working groups are to be established for that purpose.
- ⁵ Half-way houses accommodate several care leavers who may study or work together. The youths receive support and advice from a representative of the local centre for social work. They cook, clean, and pay bills by themselves.
- ⁶ Such cases were reported by centres for social work and Save the Children UK in interviews conducted for this study.

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BULGARIA¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE AGEING OUT OF CARE

Based on preliminary data for 2009, the National Institute for Statistics estimates that there are 1,347,016 children living in Bulgaria out of a total population of 7,563,710 (NSI, 2009; 2010). Children therefore represent 18 per cent of the total population. The basic reasons for the decrease in the child population are the low birth rate, significant emigration of children going abroad with their parents, and the stable, relatively high child mortality rate, which, at nine per one thousand live births, is significantly higher than in other countries of the European Union (NSI, 2009; NSI, 2010).

Children and young people in alternative care

The number of children and young people in specialized institutions remains high when compared with the overall child population. According to the most recent data made available by the State Agency for Child Protection, the total number of children in specialised institutions was 6,730 for 2009, distributed as follows:

- homes for medical and social care for children: 2,334.
- homes for children without parental care: 3,440.
- homes for children with physical disabilities and homes for children with mental disabilities: 956 (SACP, 2009).

The number of children placed in family-type care and with foster families is gradually increasing; however, figures remain very low, especially if compared to the number of residents in specialized institutions.

In 2008, 1,435 children were living with extended families in kinship care. For the period 2004–09, the total number of children in kinship care was 10,644 (ASA, 2009).

In 2009, 168 children were placed in foster care: 39 with voluntary foster families and 129 with professional foster

families. As at 31 December 2009, the total number of children being raised in foster care then amounted to 284: 84 with voluntary families and 200 with professional foster families. In 2008, 29 voluntary and 67 professional foster families were approved and 91 children were placed with foster families. The number of children placed in foster care thus increased very slightly from 2008 to 2009. For the period 2004–09, the total number of children in foster care was 338 (ASA, 2009).

SOS Children's Villages Bulgaria supports 26 SOS families which cared for 126 children in 2009; the organization also ran four youth facilities for 109 young people in 2009 (SOS Children's Villages Bulgaria, 2009).

As at 31 December 2009, 265 children were placed in family-type centres (managed by professional care providers); 90 of these children have disabilities and chronic diseases.² Since 2008, a few specialized institutions have been shut down, most of the residents having been to other facilities. As at 31 December 2009, 22 young people were in 'observed homes', which provide support to care leavers to prepare them for independent life.³

The recently adopted Policy Document for Deinstitutionalization (March 2010) envisages the closure of all specialized institutions in the course of the next 15 years.

Young people ageing out of care

Bulgarian legislation stipulates that young people should leave care at the age of 18. An exception can be made for young persons over 18 who wish to remain in care for the purpose of finishing their education, though the extension is terminated once they turn 20.

The number of young people who left care because they reached 18 or 20 years of age generally increased from 2006 to 2009: 206 in 2006; 407 in 2007 (Mihova, 2008); 345⁴ in 2008; and 535⁵ in 2009. The State Agency for Child Protection reported that in 2009 nine young people left family-type centres.⁶ That same year, 11 young people left youth facilities of SOS Children's Villages (SOS Children's Villages Bulgaria, 2009).

Profiles of young people ageing out of care

Research conducted in 2008 reveals that care leavers:

- are more likely than other young people to experience psy-

chological problems and difficulties with communication.

- are more likely than other young people to be school drop-outs and are less likely to graduate from high school or attend university.
- lose social and economic security after leaving care.
- have difficulties finding housing and the financial means to pay for accommodation.
- tend to, if they are girls, marry younger or become mothers at a younger age than their peers who grew up with their families of origin.
- are more frequently unemployed or dependent on the social system than their peers who were not in care (Mihova, 2008).

To date, studies have focused only on young people who have left specialized institutions rather than foster care and family-type centres.

Paths taken by young people ageing out of care

It is difficult to monitor young care leavers because:

- The data collection system is inadequate. The directors of specialized institutions and family-type centres can provide data regarding the number of care leavers, but there is no tracking system for care leavers once they have left care (Mihova, 2008).
- While there is some information concerning young people who leave specialized institutions, there is none about those who leave foster care or family-type centres.

A survey conducted by the Agency for Social Assistance in 2008 asked directors of specialized institutions for children aged 7–18 about the destination of the young people who left care from January 2006 to August 2008 (Mihova, 2008). The data could not be verified, partly because a few of the 78 care leavers no longer had contact with the facilities (Mihova, 2008).

Nevertheless, the survey's findings indicate that the largest percentage (about 33 per cent on average) of care leavers were referred to their families of origin once they left care. There has not been any follow-up to study the success rate of this process. This pattern also seems to indicate that a large proportion of children and young people were placed in facilities due to poverty and a lack of financial support for the families of origin, rather than as a child protection measure (Mihova, 2008).

If they were not referred to their families of origin, care leavers in the period under review went to live with extended family (about 15.9 per cent), with a spouse or partner (18.2 per cent, comprising mostly female care leavers), with friends or acquaintances (13.8 per cent), on their own (29.9 per cent, with male care leavers dominating), in a specialized institution for adults (24 per cent), in temporary shelters (30.6 per cent), or in jail, under arrest, or on probation (about 1 per cent, comprising entirely male care leavers) (Mihova, 2008).

The percentage of care leavers who have managed to live on their own and sustain themselves varied over the years under review, but there is no tendency of an increase. The issue of supported living is thus still a priority. The number of care leavers referred to temporary shelters has been increasing slightly over the years, in parallel with the development of this service. The percentage of care leavers placed in residential care facilities for adults has been stable over the years, and is even increasing slightly. This group probably includes young people with disabilities and mental health problems who suffer from long-term institutionalization. Their integration in the community may require more effort and special services that are not yet available.

The study also reveals that about 25 per cent of care leavers successfully integrated into the community during the period under review. Their success appears linked to university education, positive professional development, or creative success. The figure would be more revelatory if it were disaggregated. Importantly, about 75 per cent of the care leavers fail to integrate successfully (Mihova, 2008).

The State Agency for Child Protection reports that 535 young people left care during 2009:⁷

- 526 young people left specialized institutions:
 - 401 young people left homes for children without parental care: 312 young people had to leave because they were 18 (among them 102 returned to their families of origin; 49 went to live with extended families; 31 went to live in transitional housing; 54 found accommodation in shelters; and 76 availed themselves of other options); 80 left the homes for reasons unrelated to their age; 1 died; and for 8 young persons, the information is not available.

VESY, 18 YEARS OLD

While Vesey was living in a specialized institution, she met a young man who had money and soon became her boyfriend. They spent a great deal of time together at a local bar, which kept her from finishing school.

Eventually it became clear that the boyfriend had ulterior motives for getting together with Vesey. He was a well-connected sex trafficker and sold her to Greece to be a prostitute. After three months, Vesey managed to call her educator at the youth facility to tell him what had happened to her. The police finally rescued her and brought her back home to Bulgaria.

But Vesey had trouble finding a job because she had not finished high school and could not provide any proof of education. With the help of her educator, however, she was able to secure financial support from friends to attend evening classes, from which she graduated as one of the best students. She finally found a part-time job. Without the help of her educator she would not have been able to continue believing in herself, but thanks to his unwavering emotional support, she was able to stay motivated and keep going.

- 125 young people aged out of homes for children with physical disabilities and homes for children with mental disabilities; 8 returned to their families of origin; 63 found accommodation in shelters; and 54 transferred to other facilities for people with disabilities.
- 9 left family-type centres.

The destinations of young people who left care in 2009 do not differ significantly from those of the previous years.

Neither the State Agency for Child Protection nor the Agency for Social Assistance collects information regarding the professional development of young people who leave family-style centres. The Agency for Social Assistance does monitor young people who continue their education at universities, yet no care leavers entered higher education in 2009. The Agency for Social Assistance reports that in 2009 two young people started a family and nine were living alone.

In 2009, 11 young people left the care facilities of SOS Children's Villages: 2 went on to continue their studies; 4 were unemployed; and 5 secured employment.

2. SHORT DESCRIPTION OF BULGARIA'S CHILD PROTECTION AND CARE SYSTEM

Main actors of the child protection and care system

The care system in Bulgaria has been undergoing profound reform since 2000. The reform was in part a response to the recognition that a large number of children were being raised in state-run care facilities. One of the aims of the reform was to limit the number of placements in such facilities by requiring regional child protection departments to issue a formal decision when placing a child in care.

The following ministries and agencies are tasked with the protection of children in Bulgaria:

- The Ministry of Labour and Social Policy is responsible for alternative forms of care for children over three. The professional foster care and voluntary foster care is coordinated and funded by this ministry through its Agency for Social Assistance, whose Directorates for Social Assistance provide services at the local level. Each of these directorates has a child protection department.
- The Ministry of Health is directly responsible for financing and managing all institutions for children up to the age of three. Bulgarian legislation refers to care facilities as serving medical or hospital-type functions for children up to the age of three.
- Municipalities are responsible for managing local care facilities and the residential social services, for which they receive and distribute funds from the central budget. The law entitles municipalities to subcontract the management of these services to non-governmental organizations (NGOs). Yet current practice shows that they prefer not to delegate the management of the residential social services; as a result, they have almost no experience in delegating the management of care services.
- The State Agency for Child Protection is mandated to control and coordinate the child protection system in Bulgaria. It licenses social service providers—such as

NGOs and commercial companies—for child-related services. There is no licensing requirement for municipalities, although they are responsible for managing local care facilities, residential social services, and community-based services. With a view to ensuring full compliance with child protection rights, the State Agency for Child Protection is responsible for performing control functions (through planned audits and spot checks) in all facilities and organizations working directly with or delivering social services to children.

Types of care settings

At the time of writing, alternative care was being provided to children without parental care in several forms that correspond to the protection measures in Article 4 of the Child Protection Law:

- placement with extended family (kinship care).
- adoption (permanent care with families).
- placement in foster care, whether voluntary or professional.
- placement in a family-type centre.
- placement in one of four types of specialized institutions, as defined in the Social Assistance Act:
 - homes for medical and social care: These homes are managed by the Ministry of Health and provide care for children from birth to the age of three. When children turn four, they move to specialized institutions for 4–18-year-olds. Children with mental disabilities or neurological or cardiac conditions that require intensive medical attention may extend their stay in the home for medical and social care.
 - homes for children without parental care: Since 2007, these homes have been managed by municipalities. They provide care for 4–18-year-olds; there is a possibility of extending services until the age of 20.
 - homes for children with physical disabilities and;
 - homes for children with mental disabilities: These homes are under the control of the municipalities. A large number of them are located in small villages without access to medical care or specialized services. They house 7–18-year-olds with various disabilities. These homes continue to carry out the long-standing policy of hiding children with disabilities from society. The care they provide does not meet the children's needs.

other forms of placement:

- 'transitional housing' allows young people to lead an

independent lifestyle with the support of professionals who prepare them for their departure from the facility.

- 'observed homes' provide support and advice to care leavers aged 18 and up to prepare them for an independent lifestyle and to prevent their return to a care facility.
- 'shelters'—as defined by the Social Assistance Act—offer temporary residential care. With a ten-year history, this residential service is the most established in Bulgaria; it was instituted by the Bulgarian Red Cross with the help of international partners before the creation of the child protection system.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care

Child care in Bulgaria is mainly regulated by national-level legislation. Laws on child and youth care have undergone numerous changes over the years.

The main legislative documents are:

- The Child Protection Act. This law states the basic rights of children, lists principles and measures for child protection, provides definitions, describes the executive organs, and prescribes activities. Amendments were made in 2006 (on regulations for adoption) and 2007 (on regulations for foster care). The latest changes were introduced in 2010. The Government of Bulgaria and NGOs plan to prepare a new law in the near future.
- The Family Code. First passed in 1985, the code regulates the relationships in the family, guardianship, and adoption. Recently, several changes referring to adoption were introduced.
- The Protection against Domestic Violence Act (2005).
- The Social Assistance Act (first passed in 1998, amended in 2009). This act provides definitions of social services.
- The Family Benefits for Children Act (2002).
- The Law on the Integration of People with Disabilities (2005).
- The Health Law (2004) and the Health Insurance Law (1999, with annual amendments).
- The Juvenile Delinquency Act (1958 and subsequent amendments).
- The Ordinance for the Standards and Criteria of Social Services for Children (2003, amended in 2010). This

law provides benchmarks against which to evaluate the adherence to identified care standards for organizations.⁸ Specifically, the ordinance defines standards as they concern: (a) social services provided by a family or in a family-style environment; (b) foster care; (c) care provided in specialized institutions and family-type centres.

- The Regulation for the Organization and Administration of Specialized Institutions by Municipalities (2007).
- The Policy Document for Deinstitutionalization (2010).

Another 14 legal acts—ordinances and regulations—guiding the implementation of the laws are relevant. Bulgaria's national plans in the area of child protection include:

- a National Strategy for Child Protection 2008–18 (each municipality developed local strategies with local priorities).
- a National Plan for the Reduction in the Number of Children in Institutions 2003–05.
- a National Plan for the Reduction of the Number of Children in Institutions: Emergency Measures.
- a National Youth Strategy 2010–20 (in draft form).

Key legal provisions regarding preparation for leaving care and after-care support

In the Ordinance for the Standards and Criteria of Social Services for Children, four standards refer to leaving care: two concern departure from foster care (11 and 17) and two relate to leaving specialized institutions and family-type centres (5 and 25). The standards for foster care service providers are as follows:

- Standard 11: The social service provider guarantees that the child placed in a foster family or in an extended family is supported to develop his or her own life skills and independent decision-making.
- Standard 17: The leaving of a foster or an extended family must be in accordance with a previously developed plan for leaving care.

The standards for specialized institutions and family-type centres are as follows:

- Standard 5: The care provider prepares the child for independent living.
- Standard 25: The leaving of a specialized institution or a family-type centre must be in accordance with a previously developed plan for leaving care.

The criteria for standard implementation are identical for both foster and residential care. They include: (a) the preparation of a plan for leaving care that is mutually agreed upon by all stakeholders; (b) ensuring education and support for life-skills development; (c) a plan for activities aimed to prepare the child for independent life.

However, understaffing and inadequate financial resources for specialized institutions prevent the full implementation of the above standards.

There is no special legal framework or social assistance system for care leavers. Young people who leave care can access universal services designed for young people generally or people at risk of social exclusion. Within this context, they can benefit from several laws and regulations, such as:

- The Law for Encouragement of Employment (2002).
- The Regulations for the Application of the Law for Encouragement of Employment.
- The Social Assistance Act.
- The Regulations for the Application of the Social Assistance Act.
- The Law for the People's Education.

While the National Programme for Social Integration and Professional Realization of Young People from Institutions for Raising and Educating Children Deprived of Parental Care (2000) establishes general principles, it does not guide the development of services. Instead, it is used as a general framework for developing projects in that area.

Regarding housing, the Social Assistance Act includes a provision that 'orphans who have graduated from a social-vocational institution' (an educational facility for young people with mental disabilities) may receive financial aid on a monthly basis or be granted municipality-run accommodation if their income is below a certain limit, and they are under 25.

With respect to employment, the Law for Encouragement of Employment introduces some financial benefits for employers who hire young people with care experience:

For each workplace filled by an unemployed individual under 29 with permanent disabilities, including disabili-

ties developed during military service, or a young person from a specialized institution who completed his or her education and was referred to the Employment Agency, the employer receives a sum of money in cash according to article 30a during the time of employment, but for no longer than 12 months (art. 36(2)).

KEY CHILD AND YOUTH CARE TERMS

Family-type centre (*centar za nastaniavane ot semen tip*). These residential care facilities offer a variety of social services in a family-type setting for up to 15 beneficiaries (as defined in the Regulations for the Application of the Social Assistance Act).

Child at risk (*dete v risk*). A child at risk is one:

- who does not have parents or has been permanently deprived of their care;
- who has become a victim of abuse, violence, exploitation, or any other inhuman or degrading treatment or punishment, either in or out of his or her family;
- for whom there is a danger of causing damage to his or her physical, mental, moral, intellectual, or social development;
- who is afflicted with mental or physical disabilities and difficult-to-treat illnesses;
- who may drop out of school, or who is already a school drop-out (as defined by the Child Protection Act).

Foster care (*priemna grija*). This form of care involves placing a child in a family environment, including with close relatives (as defined in the Regulations for the Application of the Social Assistance Act). Foster care may be voluntary or professional. Professional foster parents are entitled to receive additional training and the existing legislation allows placements in such families of children with disabilities, children three and under, and children who are victims of domestic violence. Professional foster parents are entitled to receive a salary for their services (as defined in the Regulations for the Application of the Social Assistance Act).

Identified gaps

- The prevalence of specialized institutions is still a leading concern in Bulgaria. The practice of running large residential care facilities is still widespread; children live in such facilities for many years, often without contact with their immediate or extended families and with only very limited access to community-based services. In addition, the quality of education in these facilities is poor. Daily activities often do not sufficiently prepare these children or young people for their future life in mainstream society. The number,

Observed homes (*nabludavano jiliste*). This form of social service supports and provides advice to persons 18 and over who are leaving care, transitional housing, or a shelter, and who are about

to lead an independent life. The aim is to prevent placement in another facility.

Specialized institutions (*spezializirana instituzia*). These large institutions care for children who have been separated from their family of origin. The Child Protection Act distinguishes between three types of specialized institutions in Bulgaria:

- homes for children without parental care (*domove za deza lisheni ot roditelski griji*).
- homes for children with physical disabilities (*domove za deza i mladegi s uvregdania*).
- homes for children with mental disabilities (*domove za deza s umstvena uzostanalost*)

Furthermore, Article 4 of the Child Protection Act allows for the possibility of placing children three and under in specialized institutions known as homes for medical and social care for children (*domove za medico sozjalni griji*). These types of medical facilities (as defined in the Act for Medical Institutions) basically function like hospitals.

Transitional housing (*prehodno jiliste*). This form of social service allows people to lead an independent life, supported by professionals who prepare care leavers for their departure from the facility.

qualifications, and performance of staff are inadequate and their commitment to the young people's socialization is usually lacking. A certain kind of support is provided in group settings, but an individual care approach for every child in need remains an exception. After spending many years in these facilities, many care leavers do not have adequate life skills and suffer from psycho-social problems; consequently, their chances of properly adjusting to living alone and transitioning into adult life are severely hampered.

- There are still insufficient alternatives to specialized institutions. While numerous attempts have been made to establish models for non-institutional types of care, such as foster care and placement with extended families, these forms still do not prevail over the residential type of care. These alternatives need further support and promotion in order to become real options for child rearing, development, and socialization, in line with the principles of the United Nations Convention on the Rights of the Child.
- The legal framework remains unsupportive, unenforced, and irrelevant. The existing legislation does not sufficiently provide for specific measures aiming at the integration of care leavers into mainstream social and economic life. Pilot projects or one-off private initiatives cannot provide sustainable improvement in this context. The efforts of the local and central authorities are limited within the framework of existing regulatory norms, which do not stipulate any specific provisions to support the integration of young care leavers. Among care leavers, 18–24-year-olds are particularly vulnerable as they are no longer covered by the Child Protection Act.
- The monitoring and evaluation system does not function well. Although they are legally required to monitor care leavers, residential care facilities do not have the capacity—in human resources, relevant expert knowledge, or experience—to perform the monitoring tasks properly. As a result, there is a dearth of information on the extent and quality of the integration of care leavers into mainstream society. Similarly, there is a severe lack of monitoring and evaluation of young people's level of preparedness before their departure from facilities.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

Bulgarian legislation places responsibility for the preparation of young people leaving care on the provider or the principal of the facility. Although a national programme for the social integration and professional development of young people in care was adopted by the Council of Ministers in 2000, few sustainable services exist for care leavers. Most of the available information regarding care leavers is provided by the Agency for Social Assistance; information on employment and education may be obtained from the Agency for Employment and the Ministry of Education.

After-care service

The number of residential services (including shelter) offering housing opportunities for young people has been increasing, as has the number of users:

- 2005: 15 services with 73 beneficiaries.
- 2006: 31 services with 164 beneficiaries.
- 2007: 45 services with 325 beneficiaries (Mihova, 2008).

Most of these services are provided by municipal authorities but managed by NGOs. They offer only accommodation of a boarding house type. While there have been attempts to integrate social work and to encourage employment and education, the staff is neither qualified nor large enough to meet these needs. Yet the level of need for such services is high.

No services are specifically targeted at care leavers. The Agency for Employment runs three relatively small-scale pilot projects in the area of youth employment, though none of these contains any special reference to care leavers:

- 'Youth Employment: A Guarantee for the Future' is designed for unemployed young people who have registered with the agency.
- 'Starting a Career' is meant for unemployed young people with a university degree.
- 'A Project for Young People Who Abandoned School' is for unemployed people with a low level of education or no education at all.

The Agency for Employment also offers vocational training all over the country (about 116 different streams), which care leavers and all unemployed young people may attend. No data is available on how many care leavers use centres for professional orientation, professional training, or employment agencies.

NGOs and businesses have introduced several initiatives and projects to support the professional training and employment of care leavers. As these activities depend on private donations, however, their sustainability is not secured. A few NGO programmes provide fellowships for care leavers who wish to attend university.

SOS Children's Villages offers several types of after-care support. SOS Youth Facilities support young people as they pursue an education and acquire vocational qualifications before entering the job market; as they develop skills needed for independent life; and as they learn to be responsible for their own future. SOS Children's Villages also provides emotional and financial support to facilitate young people's start in life and their social integration.

The Semi-independent Living Programme is the basic form of SOS after-care support for young people who have aged out of SOS Children's Villages, who live independently out of the SOS youth facility, and who work or have income but still need support in order to complete the transition to independence. The maximum duration of the programme is three years; support is provided on an individual basis and is based on a contract drawn up between the young person and an SOS youth care worker.

Identified gaps

- Care leavers are entitled to benefit from social services such as accommodation and preparation for independent life. Unfortunately, these services cannot reach all potential beneficiaries. In addition, services are limited to one year, after which care leavers are forced to wean themselves from support once again and to continue without it.
- Since there is no normative framework for ensuring the social inclusion of young people aged 18–29, regular measures in this direction are not available.
- The child protection measures are not fully integrated

in the policies on youth, so that case management plans for children at risk cannot be fully implemented once the child attains majority (after the age of 18).

- Access to social services is limited for young people in remote regions and in small settlements.
- After spending a long time away from a family environment, care leavers can rarely rely on support from their families of origin, even if they have kept in touch with them. Since accommodation away from the family is regarded as a final resort for protection, a child's stay in care until majority is an indicator of the parents' or family's complete lack of capacity to provide an adequate environment for bringing up the child.
- Social integration and access to medical, social, and other services require care leavers to be formally registered with a number of different agencies, increasing the need for additional counselling sessions for young people.
- Care leavers appear to have a particularly difficult time finding accommodation and paying the rent; the number of young people in need far exceeds the number of municipality-run houses. Municipalities do not have social housing available. There is no state programme supporting the construction of such housing.
- Some young people leave care during or because of a personal crisis, such as early pregnancy or early marriage, when they need even more support.
- Municipal structures that offer counselling and support for care leavers exist in only a few towns around the country. Such activities are thus undertaken predominantly by NGOs, as pilot projects.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

Care leavers face discrimination in all spheres of life, including access to health care, education, employment, and housing. The local authorities do not recognize the special needs and vulnerability of these young people. The main challenges to adjustment in the community are:

- **Right not to be discriminated against.** Isolated institutional settings with a rigid schedule, limited outside

contacts, and a lack of participation in youth and children's organizations and associations fail to prepare care leavers adequately for outside social life.³

- **Right to protection.** Physical and social isolation, a lack of monitoring mechanisms, and barriers to public access all enable widespread violence and abuse in care facilities.
- **Right to education.** Young people leaving care lack vocational and professional skills as well as knowledge or an understanding of the job market and the qualifications required to secure employment.
- **Right to health care.** Care leavers are not entitled to any privileges regarding access to health care.
- **Right to participation.** The voices of care leavers are not heard. They rarely participate in decision-making processes.

6. OFFICIAL DATA SOURCES

- State Agency for Child Protection (www.sacp.government.bg).
- Agency of Social Assistance (www.asp.government.bg).
- Information Web Portal for European Union funds (www.eufunds.bg).
- Ministry of Labour and Social Policy (www.mlsp.government.bg).
- National Statistical Institute (www.nsi.bg).

7. RESEARCH ON TARGET GROUPS

Zlatka Mihova's *Life after Institutional Care* presents findings of research conducted in 2008 (Mihova, 2008).

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Improving the legal framework

- The United Nations Committee on the Rights of the Child recommends that Bulgaria 'continue harmoniz-

ing its legislation with the principles and provisions of the Convention [on the Rights of the Child], incorporate the Convention fully into the Child Protection Act and ensure the effective implementation of domestic legislation pertaining to the rights of the child' (CRC, 2008, para. 9).

- The government should develop a legal framework that identifies young care leavers as a vulnerable group in need of targeted, long-term support and specialized social services.

Improving the policy, services, and practice framework

- The quality of social work should be strengthened and improved in rural areas, focused above all with respect to prevention and aid for the family of origin. This involves measures to decrease the workload of socio-legal child protection bodies in order to reach the European standards regarding the workload of social workers (that is, the number of cases per social worker).⁹ It also necessitates the development of new programmes and projects as alternatives to institutional care.
- Facilities should provide opportunities for an individual approach to children and young people.
- New forms of foster care should be introduced (for example, short-term, supporting, respite, therapeutic, and other professional foster care); foster families should be accompanied and educated to ensure that their care is the most suitable. Children with disabilities should be assigned to specialized foster families.
- A funding mechanism for young care leavers should be developed in such a way as to allow them to access free housing.
- Opportunities for prioritized housing should be introduced for young care leavers.
- Amendments should be made to legislation ensuring that the young people leaving care are recognized as a specific social group and to guarantee a continuity of services for them.

Providing better data

- The government should expand statistical indicators and ensure their harmonization with internationally adopted standards, methods, methodologies, and indicators if Bulgaria is to become an equal member of the European Union with respect to its processes and

pace of development (SACP, 2009).

- The Committee on the Right of the Child recommends that Bulgaria 'strengthen its efforts to develop a centralized system for comprehensive collection of data on the rights of all children up to the age of 18 with a specific emphasis on vulnerable groups of children, including Roma children, and ensure that data allows for disaggregation, inter alia, according to sex, age, urban/rural areas and ethnic or social origin' (CRC, 2008, para. 19).

Identifying new research studies

- It is necessary to carry out an overall comparative study on care leavers that covers all forms of care.

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² Official information provided by the State Agency for Child Protection, 2010.

³ Official information provided by the Agency for Social Assistance, 2010.

⁴ Official information provided by the Agency for Social Assistance, 2010.

⁵ Official information provided by the Agency for Child Protection, 2010.

⁶ Official information provided by the Agency for Child Protection, 2010.

⁷ Official information provided by the Agency for Child Protection, 2010.

⁸ Bulgarian legislation does not differentiate between a service as an organization and a service as an activity.

⁹ Social workers of the Agency for Social Assistance have an average of 112 cases per year (ASA, 2009).

CROATIA¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE AGEING OUT OF CARE

The number of people under 18 in Croatia is approximately 970,000, or 22 per cent of the total population.²

Children and young people in alternative care

In 2007, almost 4,200 children up to 18 years of age lived in permanent placement, in either residential or family-type care. An additional 1,890 children were in some type of occasional or temporary placement in institutions, on either a weekly, daily, or half-day basis. They were placed in homes for children with a special need for shelter, disciplinary centres, facilities with medical observation of in-patients, or homes for children with behavioural problems and extended professional treatment (MHSW, 2007). Twenty children were placed in small-group homes, which represent a new type of alternative care for children without parental care.

Of the 4,200 children in alternative care, about half lived in foster homes (MHSW, 2008b). In 81 per cent of cases, foster families provided care for children without parental care or children whose parents were temporarily unable to care for them. In the remaining 19 per cent of the cases, the children were placed in specialized foster families for mental health reasons. Most of the children in foster care in Croatia remain in their first placement, and more than one-third of foster parents are relatives (Žižak, 2008).

There are approximately as many children living with foster families as there are children living in residential care facilities, a ratio far from the 80 per cent set for placement in foster care. That aim is among the priorities of the National Plan of Activities for the Well-being, Rights, and Interests of Children 2006–2012.

In 2007, 636 children were permanently placed in homes

for children and adults with special needs. The breakdown was as follows:

- 2 per cent were under 4 years of age.
- 7 per cent were 4 to 7 years old.
- 44 per cent were 8 to 14 years old.
- 22 per cent were 15 to 16 years old.
- 25 per cent were aged 17 to 19 years old.

Data on the number of children without parental care since 2007 shows that despite increased efforts to promote foster care and the deinstitutionalization of child care, the dominant trend is still to employ state and non-state homes as the main care providers for children without parental care.

Young people ageing out of care per year

Data regarding young people ageing out of care in Croatia is not comprehensive and is usually inaccurate. Data is neither collected systematically nor is it centralized.

In 2007, 2,859 young people aged 14–18 were living in homes for children and youths without parental care, homes for children with physical and mental disabilities, centres for youths with behavioural problems, and foster homes. These facilities included various types of residential care and homes for those aged 14 to 21 and foster homes for those aged 15 to 30.

During the three-year period under observation—2005–07—the total number of young people in care decreased slightly. Only the number of young people living in homes for children with physical and mental disabilities rose slightly, followed by the numbers of young people in foster homes.

A report released by the Ministry of Health and Social Welfare (MHSW) in 2008 found that 482 young people (aged 14–21) were living in homes for children without parental care at the time of the survey.³

In 2008, 103 young people aged out of children's homes when they reached the age of majority (18). In addition, 132 young people returned to their families of origin, a smaller number found accommodation with relatives, whereas others were transferred to other types of care (to homes, hospitals, foster homes, or to guardians or adoptive parents).

MARKO, 19 YEARS OLD

When he was a little boy, the local authorities removed Marko from his family of origin and placed him with a family that adopted him. This family also neglected him and abused him, so he ended up with a foster family. Motivated only by the money she received for fostering, Marko's foster mother did not take care of him. The situation was bad. At the age of 15, he started to smoke and drink alcohol; with time, he also used drugs. When he turned 18, he decided to leave the life he knew behind and start anew. He found a job at the local library and made a flat-sharing arrangement. The conditions for a proper life were there, but he continued to take drugs.

One evening, while walking home from work, Marko was caught by the police, who found drugs in his bag. He was sent to a facility for young criminals. There he was required to attend school and prove that he could live without illegal drugs. He finished that school and is now able to live on his own. He is hoping to find work in the facility to be able to help other young people find their way.

Even if everybody around him seemed to be against him, and even though he did not get any support, Marko still became a good person.

Profiles of and paths taken by young people ageing out of care

The United Nations Development Programme's Human Development Report⁴ finds that young people without parental care in Croatia are a group at high risk of social exclusion. As a candidate for accession to the European Union, Croatia—with the help of the European Commission—drew up a Joint Memorandum on Social Inclusion that includes young people leaving care (MHSW, 2007). The memorandum calls for better services for young people leaving care, with an emphasis on social welfare services, which are still under-developed in Croatia.

Insufficient data is available to produce a realistic profile of young people leaving care. Nevertheless, two empirical

studies may shed some light on this issue. As discussed below, one was conducted by the non-governmental organization (NGO) IGRA⁵ in 2007 and the other by the research agency Target in 2005. This section closes with an overview of the education of young people in care.

The IGRA evaluation

Designed to inform the Joint Memorandum on Social Inclusion, IGRA's study surveyed 19 young people (aged 19 to 23) who had lived in children's homes for at least 2.5 and up to 16 years and had benefited from the NGO's 'Contact' project. After leaving care, just under half of the young people returned to their home towns. At the time of the evaluation, one-third of them lived with their families; another third lived in rented apartments; and the rest lived in a small-group home. Fourteen of them found employment within one month of leaving care, mostly in companies where they did their mandatory school training. Most of them had jobs in construction, restaurants, or catering, or they worked as sales clerks. Fewer than half of them said they were satisfied with their income, which they said was just enough to provide them with modest living conditions.

All of them reported having difficulties and concerns in the first months of living independently, usually stemming from a strong feeling of loneliness, emptiness, and abandonment, the realization of the real cost of living, and problems with employers who did not pay them. They said they worried about housing, preparing food, and managing their household. Yet they also associated leaving care with gaining freedom.

Young people said they were not satisfied with the support received from the social welfare centres. Some of the interviewees expressed their disappointment clearly:

- 'Maybe it would have been better if they had called us after the first six months to ask whether we needed any help.'
- 'We need help to continue our education.'
- 'They should be more involved with children from homes.'

The young people interviewed reported that the support they received came primarily from friends, family, and former educators and teachers. Some of the youngsters mentioned their former educators and children's homes as a 'source of strength'. Only two of them interrupted all forms of contact with their former caregivers.

Despite all their difficulties, these young people managed to live independently. Asked to identify what accomplishments they were most proud of, they cited: having friends, finding a place to live, finding a job, and working and building up experience.

Yet their optimism for the future was moderate. Their main messages for young people about to leave care included: ‘be patient’, ‘work hard’, ‘ask for explanations when you want to know something’, ‘allow people to help you’, and ‘continue your education’. They reported that the ‘Contact’ project had helped them to ‘be stronger’; in addition to learning how to write CVs and look for jobs, they said that it also enabled them to talk to someone and look at issues from different perspectives.

The Target focus group⁶

In 2005, Target conducted a focus group with six participants (three girls, three boys) with care experience. At the time of the interviews, the two youths living in a group home said they were satisfied with their freedom and were able to organize their lives independently. One girl was living in a college dormitory and said she was also satisfied with her situation. Two of the young people reported encountering problems with accommodation as they had to leave the group home and were not eligible for a college dormitory.

Some of the young people said that upon leaving care they had fears about living independently, finding accommodation, and being short of money. During the focus group discussions, they said they were able to manage somehow despite all their problems. Most of the youngsters were able to secure a job within a short time of leaving care, mostly in places of employment where they used to do their mandatory school training. They identified friends and former educators as sources of strength. They said they were not thinking about plans for the future, but that they hoped that, with some luck, ‘in five years I’ll have a little house, car, family, and job.’

Overview of school education for young people in care⁷

Data regarding the education of children and young people in care is available only for children’s homes and is organized in three categories:

- the school programme they attend;
- their grade in comparison to their chronological age;

and
 ■ results at the end of the school year.

In 2008, of 954 students aged 7 to 21 from children’s homes, 671 (70 per cent) attended regular school programmes, 119 (12 per cent) attended special programmes, and 164 (17 per cent) were in adapted programmes.⁸ Most—794—attended the age-appropriate grade, whereas 115 children were delayed by one year, and 12 per cent were two or more school years behind their chronological age.

Results at the end of the school year show that 50 per cent of the young people in care had average grades, 30 per cent had very good grades, 10 per cent had excellent grades, 4 per cent were adequate, and 6 per cent failed, dropped out, or had to leave school for some reason. Although good school results are not the only success indicator for independent life, they do affect future opportunities. Better cooperation between educational facilities and children’s homes and social welfare services is needed.

2. SHORT DESCRIPTION OF CROATIA’S CHILD PROTECTION AND CARE SYSTEM

Article 68(1) of the Social Welfare Act stipulates that care for children outside of their family of origin must be provided for children without parents; children who are neglected or abused by their parents; and children and youths with behavioural problems.

Main actors in the child protection and care system

The main duty bearer in the field of child protection and care is the **Ministry of Health and Social Welfare**, which shares competencies with the **Ministry of Family, Veteran’s Affairs, and Intergenerational Solidarity** (MFVAIS).

Social welfare for children without parental care is provided through a network of **social welfare centres**, social welfare homes, and support and care centres. There are 80 social welfare centres in the Republic of Croatia, with 24 branch offices. They perform 146 functions, such as carrying public responsibility in matters of social welfare, family law and legal protection, expert analytical tasks, and financial tasks; this large number of tasks has led

to numerous calls for a redefinition of the centre’s role and the transfer of tasks to other duty bearers within the system. One such example involved the transfer of the task of removing children from their families to family courts. When the Foster Care Act was passed in 2007, the government refused a proposal to establish a foster care agency; foster care organizations and the Ombudsman for Children had promoted the creation of such an agency as a way to ease the workload of social welfare centres and improve the coordination of foster care activities.

The **Office of the Ombudsman for Children**, which was founded in 2003, plays an important role within the social welfare system. Its primary function is to monitor the implementation of policies and international agreements regarding the protection of children’s rights. Although the ombudsperson is not authorized to take legal measures in cases of rights violations, he or she can warn about rights violations, request statements from competent bodies, and take part in the process of passing public policies. By making use of all these mechanisms, the Office of the Ombudsman for Children has earned an important place in the overall promotion and protection of children’s rights in Croatia. In 2007, regional offices were opened in Osijek, Rijeka, and Split.

To exercise children’s rights and protect their interests, the Croatian government established the **Council for Children** as a national coordination body, with the goal of monitoring the children’s rights and childcare policies. In addition to this monitoring function, the Council for Children was also designed as an advisory, interdepartmental body that proposes initiatives regarding public policies. It coordinates the harmonization of work between the state and other bodies when applying and monitoring the Convention on the Rights of the Child. The Council has 19 members, including 11 from state administration bodies, 4 from research and professional institutions, 3 representatives from child-care institutions, and 1 representative from the Croatian Journalists’ Association.

In addition to the Council for Children, the relevant **committees of the Croatian Parliament**⁹ also play a part in the protection of children’s rights by stating their opinion on proposed laws. In January 2009, the Parliamentary Committee for Family, Youth, and Sports organized a round table discussion about social welfare reform which served

to challenge the lack of leadership and strategy in decentralization, transformation, and the deinstitutionalization of social welfare. In interviews, however, stakeholders mentioned the inefficiency of the parliamentary bodies as well as of the Council in monitoring and influencing government policy regarding child protection and care.

Some cities of Croatia have developed complementary social welfare regulations. For example, Zagreb has developed measures for local social policy that include round table discussions, training programmes, recognition of city-owned businesses, and funding of selected civil society organizations that promote the development of alternative care and services.

Local NGOs throughout Croatia offer a number of services and programmes aimed at children and parents. These include courses for parents, counselling, therapy work, material assistance, family mediation, and group work with children. Non-state service providers for families and children at risk and for children without parental care have the advantage of flexibility, innovation, and limited bureaucratic procedures. However, NGO programmes rarely get integrated into the state services because Croatia lacks established procedures for contracting and standardizing non-institutional services; successes depend on the initiative of individual institutions and organizations.

The problem of insufficient involvement of civil society becomes obvious in the process of drafting policies. While the bodies of relevant state institutions include experts, mostly prominent researchers and organization directors, the decision-making process is fairly closed. Indeed, although there are umbrella organizations and NGO networks for target populations—such as the Coordination of Childcare NGOs, which has 27 members, and the Forum for the Quality of Upbringing and Association of Foster Care Experts—these stakeholders usually do not take part in the decision-making process. However, they do monitor implementation informally and propose new services or improvements for existing ones. For example, the NGO network that later grew into the Coordination of Childcare NGOs drafted a shadow report in 2002 regarding the government report on the implementation of the Convention on the Rights of the Child. Despite an ongoing lack of consultation, state institutions seem to have become more open to cooperation in recent years. One example is the

advisory meeting in October 2008, called by the MHSW to consult with the foster parents' representatives on the issue of implementing the new law.

In addition to state duty bearers, the non-state care providers, civil society, and the private sector are important stakeholders in the country's welfare system. The introduction of practices and standards for subcontracting social services is expected to lead to improvements in the flexibility, efficiency, and quality of services provided by the non-state stakeholders.

Finally, international organizations also play an important role by providing support for the implementation of child protection and care policy. They include the Council of Europe, the European Commission, the World Bank, international development agencies, and embassies. Special mention must be made of UNICEF, which has been carrying out programmes to promote responsible parenting, quality approaches to early interventions, the supervision of parental care, and foster care.

Prevention

The family centres were established in 2005 on the basis of the Social Welfare Act and the Institutions Act. They are meant to take over part of the activities of the social welfare centres and to carry out various preventive and therapy programmes for children and their families. The scope of work of family centres is described in the Social Welfare Act (art. 89) and encompasses a wide range of tasks. In addition to counselling, training, therapy, and other forms of direct work with the users, they are also meant to introduce innovations into the family support programmes. So far family centres have been set up in 17 counties, all under the jurisdiction of the MFVAIS. Their scope of work partially overlaps with that of the social welfare centres, though so far coordination has been lacking.

Types of care settings

More than half of the children without parental care are placed in homes for children without parental care. There are 14 homes funded by the Republic of Croatia and four non-state homes. The total capacity of the homes is 1,665 beneficiaries. In addition to homes for children without parental care, there is accommodation in homes for children with behavioural problems and in 26 social welfare

homes established by the Republic of Croatia, which provide care for children with special needs (1 home for the sight-impaired, 3 homes for the hearing-impaired, 2 for the physically impaired, and 20 for the mentally disabled). Of the total number of homes, 13 offer programmes of elementary and/or high school education. Children with special needs also live in six social welfare homes founded by faith-based organizations, local or regional authorities, civil society organizations, or other entities.

SOS Children's Villages provides care for 240 children and young people in 31 SOS families and five youth facilities. Other providers of alternative care include family-type homes such as Nuevo Futuro, where children receive care in individual family houses integrated into the local community, with a capacity of up to ten children. More recently, especially since the amendments to the Social Welfare Act were passed, the option of founding a family home (*obiteljski dom*)¹⁰ has gained support. Their potential to encourage the development of other forms of alternative care remains untapped.

The placement of children without parental care in foster homes has been on the rise in the past few years. Foster care used to be regulated by the provisions of the Social Welfare Act and relevant by-laws, but since 2007 the Foster Care Act has regulated this care setting and introduced clear and more demanding requests for foster parents. A 2007 report of the Office of the Ombudsman for Children asked for more rigorous monitoring of the situation of children in foster families, as cases of financial exploitation and psychological abuse of children were reported (OfC, 2008). In 2007, there were 2,572 reported foster families, and 114 new ones registered the following year.

The network of children's homes and foster families is unevenly distributed across Croatia, which often results in the long-term separation of many children from their communities of origin if they are placed in other counties. Several interviewed stakeholders emphasized the necessity of transforming the existing children's homes into small-capacity institutions that would have higher standards of child protection and care, with smaller educational groups and stronger individual work. Children's homes would be better connected to the local community and generally ensure more respect for and adherence to children's rights.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care

Children enjoy special protection under the provision of the 1990 Constitution which states that 'everyone shall have the duty to protect children and helpless persons' (art. 64, para. 1). This protection is also covered by other provisions in a number of legal documents, particularly the 2004 Family Act, the 2003 Protection from Family Violence Act, the Social Welfare Act, other legislation regarding upbringing and education, labour laws, health insurance and protection laws, and the penal code.

By adopting the UN Convention on the Rights of the Child (CRC)¹¹ into its legal system, and by ratifying the two optional protocols to the Convention,¹² Croatia has committed itself to harmonizing national child care legislation and practices with the provisions laid out in the CRC. To this end, Croatia has made amendments to the above laws and passed the Foster Care Act in 2007. In response to the observations of the UN Committee on the Rights of the Child concerning the Croatian Second Periodic Report (CRC, 2003; 2004), several initiatives for enhancing the protection of children's rights were initiated; the most important is the National Plan of Activities for the Rights and Interests of Children, 2006–2012, adopted in 2005.

Chapter 5 of the National Plan, which deals with social welfare, the prevention of institutionalization, and the development of multiple services in local communities, recognizes the importance of foster care, at-home assistance and care, specialized care in the family (community nursing), forms of day care, residential communities, and organized housing. The National Plan calls for the deinstitutionalization of child care through a reduction in the number of children placed in residential care facilities and a simultaneous increase in the number of children placed in foster and other types of alternative care, with the goal of achieving the targeted ratio of 20 per cent of children in children's homes and 80 per cent in family-like care.

Key legal provisions regarding preparation for leaving care and after-care support

There is no law or regulation in Croatia that comprehensively covers the preparation for leaving care or the organization of after-care services. However, legal bases can

be found in the amendments made to the Social Welfare Act of 2007 and the Foster Care Act of 2007.

Article 33 of the Social Welfare Act regulates the duration and termination of the right to alternative care. If children or youngsters decide to continue their education, their right to alternative care is in effect until the regular completion of their studies, or until they reach 26 years of age at the most. Young persons aged 18 to 21 who are no longer in school may continue to live with their foster family or in a group home if the social welfare centre decides that this is in their special interest, and if the accommodation capacities in the existing objects are available until the person turns 21.

In the process of making changes in the Social Welfare Act in 2007, some other social welfare provisions received a wider interpretation. Article 20, which regulates the financial support to college students who have left alternative care, extends their right to counselling and support, including help to adapt to everyday life after an extended stay in a children's home.

The recently adopted Foster Care Act (in Official Gazette 79/07) regulates the duration of the care in a foster home and defines the obligation of the foster parent to carry out preparations for leaving care: 'The foster parent must prepare the care recipient for departure from the foster family' (art. 16, para. 5). In addition to this regulation and general obligations, the foster parent is instructed to work at making a care recipient more self-reliant to ensure his or her complete independence:

The foster parent must ensure that the foster child has a proper attitude to school, work and the development of work habits and that the child earns professional qualifications of some sort (art. 17, para. 2).

After reaching 21, the foster child loses the right to live within the foster family, but youngsters who have not found a way to earn a living by then may exercise their right to universal assistance.

These minimal obligations under the provision of the new law clearly show that the process of preparing young people for leaving the care of the foster families is not sufficiently regulated. Specifically, directives are lack-

ing with respect to the duration of this process, the steps involved in the process, or how to monitor the efficiency of its implementation; however, the Foster Care Act does represent a step forward in terms of defining mandatory preparation for leaving care. It is a welcome change from the Social Welfare Act, whose provisions do not seem to include any such obligation. Rules of procedure on keeping records require the drafting of individual care plans for each child, which in all probability include the preparation for leaving care.

It is important to note that many professionals in the child welfare sector have long expressed dissatisfaction with frequent amendments to the Social Welfare Act. It is thus expected that in the near future there will be a comprehensive drafting of a completely new law on social welfare. This would also present an opportunity to specify rights and obligations relating to the care for young people who are about to leave the care system and enter independent life.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

One of the more advanced forms of preparing young people for leaving care is semi-independent living in a group home. This type of care can also be considered an after-care service, since youngsters who must leave a home because of their age but who are not continuing their schooling and have no accommodation may use this service until they are 21. If they attend university, they may use the service until they are 26.

At this writing, there were more than 30 group homes in Croatia, with a total capacity of 165 children and youths without parental care. Most of the group homes were established by the children's homes themselves (both state and non-state) or by the local community. These care settings have developed gradually, particularly in the period between 2005 and 2008. The MHSW report finds that for 2008, 95 places were occupied in small-group homes (MHSW, 2008a). The highest occupancy rate was registered in the youth facilities organized by SOS Children's Villages Croatia. Another good example is the Associa-

tion for Promoting Inclusion Zagreb, which is among the first providers to introduce the concept of professionally supported organized living for mentally disabled persons.

Other Croatian associations that receive MHSW subsidies (to complement the funds from other sources) to organize group homes for young people in care are: Inclusion Association Lastavica from Split, Nadomak Sunca in Istria, Association Breza from Slavonia, and the Association Maslinova Gora from the island of Iž in Dalmatia. Breza and Maslinova Gora also offer care services for young people and children from other countries, within the framework of special agreements with those countries.

In addition to group homes, there are other programmes to prepare young people for leaving care and independent life. These services—partly provided by children's homes, partly by non-governmental providers—seem under-developed and are not available to all young people.

The NGO IGRA is implementing a programme entitled 'Contact' in different homes and vocational training centres across Croatia. The main objective and purpose of the programme is improving the life skills of children and young people in care through individual and group work with peers and the staff of relevant facilities. The programme includes courses in areas such as money management, healthcare, household management, and cooking. Within the programme young people who left the care setting are provided with a 'place for contact' and, if necessary, the company of others. To address the important issues and concerns of young people leaving care, IGRA also publishes the journal *Catapult*, intended primarily for young people with care experience.

The Centre for Social Policy Initiatives implements the project 'Well' for young people in foster care and children's homes. The programme facilitates access to relevant information and supports the development of independent life skills.

The NGOs Breza, Lastavica, and Inkluzija also implement programmes of preparation for independent life within group homes, focusing on inclusive employment and facilitating job placement.

The activities of these associations and several other civil

society organizations that implement similar but smaller programmes depend on financial support that comes mostly from donations. For this reason efforts should be made to promote more sustainable, longer-term financing of this type of social service.

Interviewed stakeholders confirmed that the group homes help young people to develop practical life skills, self-reliance, a sense of responsibility, values, quality relationships in the group, the ability to care for themselves, and an understanding of how to use their free time constructively. However, the interviews and secondary information sources also reveal an absence of fully developed programmes or universal standards regarding these services, with preparation for leaving care mostly carried out inconsistently or with difficulty. Some of the interviewees were very critical of care providers in the group homes, mentioning the fact that quite often educators do most of the chores instead of encouraging young people to do things themselves. They argue that young people should come to the group homes at the age of 15; in practice, many come only at 18, when they are about to leave the care system. In these cases, the preparation begins very late and the service as such becomes more of an after-care service, a transitory housing arrangement with some preparation for independent living.

After-care services

In Croatia, after-care services for young people who have aged out of care are relatively informal, with the exception of more structured group homes (described above) and the still infrequent forms of housing care. These include accommodations created through co-financing of housing arrangements or the allocation of residential accommodation at the local level. The lack of legal regulation is compounded by the lack of statistical information regarding after-care services. The option of scholarships for young people who continue their education in universities is the only recent innovation.

Formal after-care services include the option of periodic counselling and mediation in exercising certain rights.

Social welfare centres provide some informal after-care support for young people who cannot count on the support of their families after leaving care. Some after-care services are provided by NGOs. Interviews create the

impression that such services are rather widespread. This indicates not only the seriousness of problems that young people encounter after leaving care, but also the flexibility and positive role of homes in the informal system of care. Apparently, most homes stay in contact with their former residents, helping them by using personal connections, by obtaining food for them, and in other informal ways, since by law no such services are provided.

The inadequacy of support for young people leaving care is also visible in the key strategic document for youths, currently a preliminary draft of the National Programme of Action for Youth under the responsibility of the MFVAIS; at this writing, the draft was about to be submitted to the Croatian government for approval (MFVAIS, 2008). This document emphasizes that the children's homes do not provide young people with the life skills necessary for good social integration. Despite the efforts made by social welfare centres, care leavers find it very difficult to find lodgings and employment and to integrate into society. The programme does include certain measures that should lead to a more systematic solution of numerous problems that these youngsters face.

Universal services for youth

In addition to the few after-care services mentioned above, young people leaving care have access to several general youth services. The most dynamic and important ones are the employment support services provided by the Croatian Employment Service, which has a fairly well developed network of branch offices throughout Croatia. These services include professional development and counselling, training, job search assistance, and subsidized employment.

Among other general services, free healthcare not dependent on employment status is guaranteed and medical services are mostly available to all, although young people from under-developed and rural regions are in a less favourable position as there are fewer medical centres in their areas.

In the educational system, student and college dormitories provide accommodation for young people who attend school outside their place of residence, and for those who do not have enough funds to afford their own housing.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

The systematic monitoring of young people's rights in care is hindered by the fact that their rights are defined by numerous laws and supporting legislation, with many different institutions in charge of their enforcement. It is difficult to estimate the number of young people who need counselling and other interventions by social welfare centres. In addition, it is unknown just how well competent bodies enforce the right of children and youths to request protection of their rights, given that the entire system of state administration and public services is undergoing reform. Rights violations are closely linked to the disorganized and non-integrated approach of the social welfare and child protection system.

The results of a UNICEF study show that the system of child and youth rights protection is overburdened due to delayed professional interventions or an absence of professional interventions by the educational and social welfare institutions (Žizak, 2008). Research done by the MHSW on a sample of juvenile offenders who received some type of legal sanction has led researchers to conclude that educational and social welfare institutions have failed to intervene as required.

As for potential rights violations of youths after they leave care, it seems that the most important violations concern the right to housing in conjunction with the right to pursue higher education, and the right to work, with corresponding labour and social rights.

The right to housing and the right to higher education are limited under the current system in terms of both age and continuing education. Specifically, a young person who exercises his or her right to study on a scholarship will lose the right to housing at the same time. Young people who attend colleges in their home town are denied the right to college dormitory accommodation. This also applies to young people leaving care.

- **Right to adequate housing.** Inadequate support means that once young people have left the system, their adjustment to new living conditions is difficult. Limiting the right to housing to those 21 and younger is unjustified, especially in Croatia, where most young people live with their parents until they are 30 or older, and

where the youth unemployment rate is one of the highest in Europe.

The limitations on the right to housing particularly affect young people who did not receive support after leaving care. In the process of conducting this analysis, a questionnaire was sent to six homeless shelters to find out how many of their beneficiaries are young people who left care (regardless of the period). The responses received reveal that almost 20 per cent of the beneficiaries of such shelters are care leavers.

- **Right to employment.** The risks of unemployment and working illegally, combined with poor education and limited skills, make some young people leaving care especially vulnerable. This contributes to even more social exclusion in the long term, instead of the hoped-for integration.

According to the study *Youth between Desires and Opportunities: Status, Problems and Needs of Youth in the County of Zagreb*, young people mostly take temporary jobs, and finding any job at all is three times more important to them than finding a job in their own professional field (Ilišin, 2006). The study shows that more than 55 per cent of young people work in restaurants, catering businesses, commerce, or construction. In Zagreb, for example, 84 per cent of vocational school students are training for jobs in these fields. A significant percentage of young people in care attend such vocational courses (although the exact percentage is not available, it is most probably similar to the general youth population, which is around 80 per cent). One of the major indicators of the general social status of this youth group is the duration of unreported employment; more than 50 per cent of youngsters worked under these conditions for more than six months, and nearly 20 per cent have been earning their living in this way for more than two years.¹³

The ramifications of this situation are numerous; notably, youngsters who are forced to accept illegal work are at the same time giving up their most basic labour rights, healthcare, and social security (pension). Young people from care who were interviewed reported a problem with getting regular salary payments. Most of them work precisely in the fields that are characterized by having the most labour rights violations.

Last but not least, attention should be paid to the situation of young people with disabilities. At the moment the social welfare system is unable to respond to their needs in a satisfactory way or to support the development of young people with complex problems appropriately. There is only one psychiatric hospital for children and youth in Croatia, and children are regularly discharged too early due to overcrowding. Other options include treatment in the psychiatric wards of other hospitals, but the system offers no long-term solution.

6. OFFICIAL DATA SOURCES

Data on children in alternative care and young people ageing out of care can be obtained from the following sources:

- Central Bureau of Statistics, *Statistical Yearbook 2008* (CBS, 2008).
- MHSW, Decision to Establish a Network of Social Welfare Homes and Social Welfare Activities (MHSW, 2006).
- MHSW, *Homes for Children without Adequate Parental Care* (MHSW, 2009).
- MHSW, *Annual Statistical Report on Exercised Rights to Social Welfare, Legal Protection of Children, Youth, Marriage and Persons Deprived of Legal Competences, and the Protection of Physically or Mentally Disabled Persons in the Republic of Croatia in 2007* (MHSW, 2008b).

7. RESEARCH ON TARGET GROUPS

There is no comprehensive research on the situation of young people leaving care in Croatia. Relevant information is fragmented and spread over several different reports produced by different institutions that share the responsibility of monitoring the position of children and young people in care. High-quality sources of information are evaluation reports produced by NGOs that ran or are running programmes for young people ageing out of care.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Despite the fact that some elements of support for youth

who are leaving care or who have left care do exist, the system is not well developed. Serious effort should be devoted to solving problems, particularly those of young people who spent many years in the social welfare system, and who leave the system with inadequate training, limited skills, poor chances of success, and insufficient support.

Improving the legal framework

- Specific legal provisions on leaving care should be developed and should ideally be included in the revised Social Welfare Act.
- Universal standards for group homes should be defined and clear standards should be introduced concerning the age at the time of admission and the expected competencies that young people should have by the time they leave care. The concept of small-group homes in Croatia has still not been developed fully, and this sector requires further work and an in-depth evaluation of its efficacy. Findings should be used to define, or possibly redefine, their functions.
- A housing policy should be developed to offer long-term solutions to young people ageing out of care. The rule that terminates the right to housing for scholarship students should be cancelled.

IMPROVING POLICY, SERVICES, AND PRACTICE FRAMEWORKS

- Extending the right to housing accommodation for everyone (if there is a need) until at least the age of 26 should be considered as soon as possible.
- The services of mentors should be developed. Mentors would help young people in the process of social integration after leaving care. A help line for crisis situations could be created.
- A network of group home services throughout Croatia should be established so that young people from different regions could receive immediate help.
- Various forms of financial assistance, especially for crisis situations, should be put in place.
- Business models that promote youth self-employment should be developed and supported.
- Cooperation between the different stakeholders (such as the Chamber of Trades and Crafts, the Chamber of Economy, and NGOs) should be increased in order to prepare young people adequately for conditions in the labour market.

Providing better data

- A request should be made to the MHSW to introduce ‘young people ageing out of care’ as a separate category in its records for all types of intervention.
- Basic indicators should be modified as soon as possible and harmonized with those of the Central Bureau of Statistics (such as the age limit).

Identifying new research studies

- Additional analyses should be commissioned to identify all instances of inconsistency in the implementation of rights of young people in care and leaving care.
- An in-depth evaluation of the work and functions of the group homes for young people in care should be conducted.

KEY CHILD AND YOUTH CARE TERMS

Children’s home (*dom za djecu*). Residential facility providing care for a large number of children with professional staff. This type of care is generally short-term (as defined by Article 69 of the Social Welfare Act).

Family home (*obiteljski dom*). Care placement with one caregiver who provides care for a maximum of 10 children (as defined by Article 121 of the Social Welfare Act).

Foster care (*udomiteljska skrb*). Care placement for children without parental or adult care who are unable to care for themselves. Foster care is also for other persons who for any other reason are not able to protect their own rights and interests (as defined in Article 149 of the Family Act).

Small-group home (*stambene zajednice*). Residential care in which professional staff provide care for children without parental care. The number is dependent on the available space. This type of care is primarily for young people (as defined by Articles 93 and 105 of the Social Welfare Act).

¹ This chapter is based on Škrbić (2009) and Puls and MAP Savjetovanj (2008).

² Information for the year 2006 provided by the Central Bureau of Statistics.

³ Information obtained from the MHSW. Note that the data is incomplete: information is missing for about 22 children and youths from one of the non-state homes.

⁴ For more information, see UNDP (2006).

⁵ Igra means ‘game’ in Croatian.

⁶ See MHSW (2007).

⁷ This information was compiled from two sources: the Social Welfare Act and the Internal Status Report on Children’s Homes provided by Blanka Žic Grgat, head of the Department for Children, Family, and Foster Care in the MHSW.

⁸ Adapted programmes are tailored to each individual student, highlighting each individual’s strengths.

⁹ The relevant ones are the Parliamentary Committee for Labour, Health, and Social Policy and the Parliamentary Committee for Family, Youth, and Sports.

¹⁰ The MHSW defines a family home (*obiteljski dom*) as a facility that provides care for a maximum of 10 children or 20 adults.

¹¹ The Republic of Croatia has been a member state of the Convention on the Rights of the Child since 8 October 1991.

¹² The Croatian Parliament ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography as well as the Optional Protocol on the Involvement of Children in Armed Conflict in March 2002.

¹³ Information provided by DIM, the Association for Civic Education and Social Development, which runs campaigns and training programmes focused on youth rights, especially the rights of vocational school students, through the programme ‘Youth in the Labour Market’. DIM also publishes the Youth Employment Book.

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CZECH REPUBLIC¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE AGEING OUT OF CARE²

At the end of 2008, the population of children and young people aged 0–18 in the Czech Republic was 1,985,738, or about 19 per cent of the total population.

Children and young people in alternative care

In 2007, the Czech Republic topped the list of European countries of the number of children in residential care per capita: 35 children for every 10,000 children in the population (ÚZIS, 2007). If children living in social welfare facilities³ and educational facilities are included in this figure, then there are 100 children living in residential care facilities per 10,000 children in the population (ČSÚ, 2007). The number of residential care facilities and the number of children in facilities is constantly increasing. About 21,000 children and adolescents under 18 are currently living in residential care facilities of various types in the Czech Republic (1,500 children in infants' homes; 9,000 children placed in residential or juvenile correction facilities; and 10,500 children in social welfare facilities). Every 100th Czech child grows up in a residential care facility.

More than 7,000 children live in foster care or under guardianship. In total, around 28,000 children were living in all forms of alternative care for children in the Czech Republic at the end of 2006 (MPSV, 2008).

All studies conducted by non-governmental organizations (NGOs) in alternative care confirm the high percentage of Roma children in institutional facilities: they currently make up 60 per cent of the residents in care facilities (Řičan, 1998).

Young people ageing out of care

In 2007, 878 young people were ageing out of residential care and 700 young people out of family-based care

(MPSV, 2008). The transition to independent life is not necessarily a smooth one for these young persons.

Profiles of young people ageing out of care

The Centre for Alternative Family Care and research on care leavers confirm that young people who leave residential care are disadvantaged by a number of factors:

- They show signs of psychological deprivation, are socially isolated, and display behavioural disorders. They have personality and development problems.
- They are not self-reliant; they are unable to take care of themselves.
- They lose their economic and social security when they leave the residential facility. They lack a realistic concept of life outside care. They have no financial, social, or emotional support.
- They are isolated in remote facilities, where they spend most of their time and build the majority of their relationships.
- They have limited or no experience of a family setting, face problems in partner relationships, and lack the communication skills and behavioural development necessary to get along with flatmates.
- They do not have sufficient education or are unable to put it into practice. They lack preparation for employment, related work habits, and respect for rules. They want to flee their compulsory schedules.

Paths taken by young people ageing out of care

Within a few years more than half of the care leavers will find themselves in another state-run facility. 70 per cent return to their family of origin, which was previously unable to care for them.⁴ After a short time, though, these young adults are forced to leave their family again for various reasons, without any financial resources. Like the remaining half of young adults leaving residential care, they must find accommodation in refugee shelters, halfway houses, with friends, or with acquaintances. If they cannot find someone close to help them begin independent lives, they are unable to look after themselves sufficiently.

After leaving residential care, 41 per cent of these young people committed crimes, according to statistics of the Ministry of Interior (MVČR, 2007b). An extremely high number of children run away from residential care facilities before ageing out; some of them become victims of sexual abuse, drug addicts, or outcasts.

Young persons who leave residential care face greater prejudices and mistrust than their peers who grow up in family-like care. They have no choice but to become self-dependent much sooner than their peers, even though they are generally much less prepared for an independent life.

2. SHORT DESCRIPTION OF THE CZECH REPUBLIC'S CHILD PROTECTION AND CARE SYSTEM

Main actors in the child protection and care system

The socio-legal protection of children at the national level is divided between several ministries. The Ministry of Labour and Social Affairs coordinates alternative care of children; the Ministry of Education, Youth, and Sport oversees institutional and juvenile correctional facilities; the Ministry of Health is in charge of housing for infants and children up to the age of three; the Ministry of Interior monitors municipal offices. This fragmentation of responsibilities causes problems in inter-departmental communication. An attempt to unify these mandates and assign them to one ministry, namely the Ministry of Labour and Social Affairs, was not successful. At this writing, discussions were underway regarding the possible creation of a coordinating authority at the national level.

At the local level, regional and municipal authorities establish, register, oversee the budget of, and control care services. In recent years, the number of related tasks has increased. The regions do not always base decisions on sufficient information. Municipal authorities are not obliged to conduct community planning, and this leads to a lack of support when creating a plan for social services. Local authorities face problems related to a lack of knowledge of target groups and their needs, a distrust of NGOs, a reluctance to cooperate with other organizations, limited training, and overstretched capacities (the nationwide average is 360 cases per year per social worker).

The cash flow system is significantly more advantageous for traditional care facilities than for newly created non-institutional services. NGOs in this field are granted permission to operate for only one year as they are dependent on short-term grants. There is no programme for the deinstitutionalization of care.

Types of care settings

Czech legislation provides for the following types of alternative care for children and adolescents:

Residential care

- Homes for infants cater to very young children at risk (neglected, abused, abandoned, or from addicted mothers).
- Homes for children up to the age of three.
- Diagnostic institutions prepare a complex diagnostic report regarding a young person's educational, therapeutic, developmental, and social development. Preventative education care is provided as an out-patient, day, or residential service and usually lasts eight weeks.
- Homes for children who are 3–18 years old cater to children without serious behavioural disorders; their underage mothers may be placed in the same homes.
- Children's homes with schools target children with behavioural disorders and those who require educational-therapeutic care.
- Educational care facilities are designed for young persons over the age of 15 with serious behavioural disorders. They are governed by the same Act as juvenile correction facilities and provide care for children in court-ordered institutional care or juvenile correction. They also provide therapeutic, medical, and social care for mildly disabled children. Educational care centres provide universal, preventive special pedagogical care and psychological assistance to children at risk.
- Facilities for children requiring immediate assistance provide support and protection for children who are seriously jeopardized or abused. They provide for basic needs and offer counseling.

Family-based care

- Foster care. In some instances (such as applying for travel documents), foster parents must secure the consent of the child's statutory representative through the socio-legal child protection authority and the court. Group foster care in facilities is established and supervised by socio-legal protection bodies. While foster care can be temporary, it often ends only when the child comes of age. The care provided by SOS families is a recognized form of foster care.
- Guardianship. If a guardian cares for a child in person, both the guardian and the child are entitled to the same material security as in the case of foster care. The performance of this function is under the regular supervision of the court.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care

The Family Act of 1963 sets out the rules for the various forms of family-based care: adoption, guardianship, and foster care. The Socio-Legal Child Protection Act of 1993 governs the social protection of children and thus covers activities of foster care facilities and facilities for children requiring immediate assistance. The Public Health Care Act 1966 governs the activities of homes for infants and homes for children up to the age of three. Residential care, homes for children, juvenile correction in educational facilities, and preventive educational care in educational facilities are all governed by the Institutional Care or Juvenile Correction in Educational Facilities Act of 2002 (hereafter Institutional Care Act). Various other legislative acts deal with related issues such as social security, social welfare, insurance, birth registration, names, social services, subsistence minimum, material needs assistance, and labour issues.

Key legal provisions regarding preparation for leaving care and after-care support

The Institutional Care Act specifies that, on reaching 18 years of age, a young person may remain in institutional care if he or she is systematically preparing for a future career and is a dependant. The Act calls on care leavers to draw up a contract with their care facility to extend the direct provision of services, though not beyond the age of 26. Accommodation may be within the facility or off-site; the director of the facility must inform the young person of these options.

The Institutional Care Act also allows residential care facilities to set up separate residential units to accommodate a maximum of three young persons over the age of 16 who are preparing to leave the facility. The director of the facility must notify the relevant municipal office of the impending departure of a child from the facility at least six months prior to the child's discharge. If young persons leave a facility due to coming of age, the director must allow them to meet with a welfare officer.

Based on the Institutional Care Act, a young person leaving a facility on coming of age is entitled to material assistance or a one-off financial benefit of up to CZK 15,000 (EUR 600) based on his or her real needs. Further,

in collaboration with the socio-legal child protection body, the young person is provided with counselling and assistance in finding work and a place to live.⁵

The Social Services Act stipulates that social service providers must provide free counselling, including contact with the community environment, socio-therapeutic services, and assistance in exercising rights. The Act also explicitly sets out social prevention services to prevent the social exclusion of people at risk. By law, these services are provided free of charge.

According to the Social Services Act, halfway houses provide temporary accommodation for people up to the age of 26 who have aged out of educational facilities that provide residential care or juvenile correction services. In addition to accommodation, halfway houses provide contact with the community environment, therapeutic services, and assistance in enforcing rights and interests. In 2006, 194 places were available in 20 facilities.

Based on the Social Services Act, care leavers may use telephone crisis intervention for one-off or repeated professional counselling; contact centres for substance abusers; low-threshold facilities for children and adolescents at risk of social exclusion; or field programmes for those with a high-risk lifestyle. These services are provided free of charge by law.

Both the Institutional Care Act and the Assistance in Material Need Act of 2006 guarantee care leavers' entitlement to financial assistance.

The Assistance in Material Need Act states that a person discharged from a residential care facility or from foster care, given an unsatisfactory social background and insufficient financial resources, may receive extraordinary immediate assistance up to a maximum sum of CZK 1,000 (EUR 40). The Act further recommends that an individual motivation plan be completed close collaboration with the person in material need, with the aim of preventing their social exclusion. The content of the individual motivation plan should comprise setting concrete individual steps and a schedule for their fulfilment.

Strengths

- Despite partial failings, the recently adopted Act on Social Services took a step in the right direction by

strengthening the rights and also the responsibilities of recipients of social services.

- The eviction order was incorporated into the Czech Police Act, which significantly improves protection for victims of domestic violence.

Identified gaps

- There is no national plan for the implementation of the Convention on the Rights of the Child (CRC); nor is there an authority that would be responsible for the process, including revision of the legislation in line with the CRC. There is insufficient respect for the principle of the 'best interests of the child' in the legislation and also in practice. In 2003, the Committee on the Rights of the Child expressed concern that the Institutional Care Act did not sufficiently deal with the rights of the child (CRC, 2003). Three different ministries may place children in facilities; this fragmentation of the child-care system generates multiple related problems. The agenda relating to children is not coordinated between departments and the fragmentation of the system persists.
- The Committee on the Rights of the Child further criticized the fact that courts may also decide on preventive placement of a child into a facility for children up to the age of 15, which in practice means that these children may find themselves in the same institution as juvenile delinquents. Non-delinquent children up to the age of 15 should never be placed in the same facility as juvenile delinquents.
- In contrast to young people growing up in families, children in institutional care must leave their 'home' on reaching adulthood at the age of 18, unless they decide to go on to study.
- Rigid legislation regarding the protection and anonymization of data of children in care leads institutions to shirk of their responsibility to undertake the necessary reform of the system of alternative care. The recurring excuse is that there is no statistical data to confirm that the system disadvantages any specific social group.
- The Committee on the Rights of the Child within the Council for Human Rights of the Government of the Czech Republic, which was established in 1998, is only an advisory body with no responsibilities or resources.
- The Ministry of Labour and Social Affairs' 2005 concept for family policy declares support for families of origin in difficult situations and for foster families (MPSV,

2005). This has not yet been implemented. It does not cover the need for an internally interconnected system of alternative care for the child. In 2009, the National Action Plan for Transformation and Unification of the System of Care for Children at Risk 2009–2011 was approved by the government. Unfortunately, due to a lack of financial resources, and personnel changes that took place as a result of the parliamentary election in 2010, and a change in government, the implementation of the National Action Plan has been slow.

- There is no compulsory legal representation for adolescents in court in proceedings on residential care. They are represented by a social worker or legal guardian, the same person who usually proposes residential care. There is no children's ombudsman so far.

In January 2009, the Czech government approved a proposal to unify the system of care for children at risk; the proposal promotes the family environment over residential care. The new system should strengthen the role of field social workers, who are to work with and support families according to individual plans. The number of social workers should increase. A child should be sent to residential care only if all other options – mainly working with the problematic family and finding foster parents – fail.

Following the approval of the new system, the Ministry of Labour and Social Affairs drafted a National Action Plan for the transformation and unification of the care of children at risk. The government approved the plan in July 2009. Unfortunately, in March 2009, the Czech government lost a no-confidence vote in the Parliament and was dissolved. It was replaced by an interim government and thus nothing has been done to implement the plan.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Various legal provisions entitle care leavers to a number of services. Owing to the limited efficiency of state services, many services for care leavers are provided by NGOs in cooperation with alternative care facilities. These services include:

- needs-based expert consultancy in areas such as family

and interpersonal relationships, labour and property law, legal protection, the social welfare, and housing. Consultancy is offered face to face, on phone hotlines, and online.⁶

- life skills training and education.⁷ Future care leavers can participate in courses over several days in such areas as communication, computer skills, and social and psychological skills (partly through interactive games simulating job and housing searches, family relationships, conflict resolution, and drug and violence prevention). Student volunteers accompany the participant, and staff members of the respective residential care facilities also receive training.
- guidance to care leavers in difficult situations, in person or on the phone, for example with reference to asserting legal claims, ensuring contact with the community environment, interaction with authorities, or support in solving everyday problems.
- providing board and lodging, including the use of sanitary facilities, for a restricted time, according to concrete needs, in asylum, halfway houses, intervention centres, and protected housing for health reasons.
- support in transitioning to independent life and developing a value system. The Centre of Alternative Family Care has a programme for Roma teenagers who grow up in non-Roma care settings. Under the guidance of Roma assistants, Roma-specific problems, history, and customs are introduced. At the same time, these children get positive models in the form of Roma assistants who succeeded in integrating into society.
- mediation with financial help. Foundations focused on providing support in different circumstances usually perform such functions.

Strengths

- Halfway houses and individually planned programmes (implemented on a long-term and high-quality basis) for preparing of children for living an independent life is the best available support tool for young people leaving the system of alternative care.
- The qualifications of residential care facility staff are gradually improving. Most children's homes are transforming into family-like homes.

Identified gaps

- Completely inadequate support for families in difficult situations is leading to too high a number of children

in residential care facilities. There is no system of preventive care. Social workers often offer to place the children of homeless people in a facility rather than help with accommodation, even with larger families. State childcare authorities are overloaded with a huge number of cases per social worker. The courts accept the majority of social workers' recommendations for how to resolve a child's situation.

- Young people living in institutional facilities are rarely prepared for living independent lives. Insufficient capacity and a lack of financial resources render the state-guaranteed social services system incapable of reacting to their social unpreparedness, economic dependence, and lack of emotional support.
- There is currently no system that is financially supported and professionally guaranteed by the state for young people leaving the system of alternative care. Numerous NGOs and church services have uneven geographical reach (and are almost non-existent in some areas) and are uncoordinated, lacking the interconnectedness needed to create a functional system. Their services are usually partial, volunteer-run, and limited in terms of financial support.
- Social workers and the courts frequently act as though constitutional legal liabilities and CRC commitments did not exist. The state does not provide adequate conditions for this situation to change: the number of social workers continues to be insufficient and their training remains unsatisfactory.
- Many forms of support for young people leaving alternative care have a very limited reach. One-off financial benefits are only a temporary solution for their economic difficulties, which are inevitably related to a person's entrance into an independent life.
- Only 327 young care leavers in 2007–08 used the opportunity of voluntarily extending their stay in a facility for the duration of further studies. The prolonged stay in institutions to finish school may also prolong dependency on residential care.
- Halfway houses do not provide with quality of services. Integration into society is postponed as young persons continue to seek extensions of residential care. Independent assisted housing for young people is practically non-existent.
- Municipalities do not offer social housing. There is no state programme supporting the construction of such housing.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

In 2003, the Committee on the Rights of the Child urged the following points be addressed to facilitate successful after-care integration:

- An unreasonably high number of children live in institutional facilities and experience unnecessary placements.
- Preliminary rulings may be extended and review and evaluation of care placements are not regulated. Reviews are usually formal.
- Children are often placed a long way from their parents; visiting rights are thus difficult to exercise. The restriction of visits or parental contact is usually used as punishment (CRC, 2003).
- Conditions and care in certain institutions do not ensure the maximum development of the child. Institutions are large, lack an individual approach, and hamper child participation.
- Roma and disabled children in care do not receive sufficient attention and are not properly integrated with other children in the facilities.

The report also makes the following points:

- Children in foster care are not guaranteed the right to regular contact with their parents and foster care is perceived as a sort of adoption. In some cases, the parents do not even know where the child has been placed into foster care. Social workers do not help parents to exercise their right to contact the child, nor do the courts regulate contact with children. Judicial proceedings for the return of children to their family of origin often last an unreasonably long time. The foster care system has no binding or even recommended minimum quality standards, families are too large, and access is often denied to Roma minorities.
- The European Court of Human Rights has repeatedly issued rulings against the Czech Republic in cases when the reason for placing a child into residential care was the poor economic situation of the family or inadequate housing conditions. To date, however, these rulings have not influenced decision-making practice concerning children at risk.
- Despite some improvements, the methods of upbringing in residential care facilities are outdated and prepare

children inadequately for assuming responsibility for their lives; the facilities are too large and contact with family and friends is used as a reward and punishment system. In addition, life is overly structured and isolated from the outside world, especially for the many children who attend school in the facility. By law, the occupancy rate of such facilities should not surpass 48 children (6 family groups of 8 children each);⁸ in practice, however, this limit is frequently exceeded.

- The legal requirement that residential care and juvenile correction be implemented separately is not sufficiently respected. This results in children from residential care being subjected to the same restrictions as children in the juvenile system.
- Children who are placed in educational facilities have a limited choice of school subjects. This restriction decreases the number of options open to the children and also limits contact with the outside world as the educational facility simultaneously serves as a care facility. Most facilities offer only two or three professional apprenticeship options. The director of a halfway house noted: 'None of my clients are able to compete in the normal employment market and they must learn basic working habits in a workshop for several months.'⁷
- Young Roma people living in residential care facilities are often rejected and forgotten by their families due to a history of forced family separation in the Communist system. If Roma families are not able to get a child out of residential care relatively quickly, they lose hope, as the children are alienated from their Roma traditions.

6. OFFICIAL DATA SOURCES

Given current legislation (especially the Protection of Personal Data Act), much of the information on young people leaving care is not monitored in detail. Because alternative care responsibilities are divided between several central state administration bodies, there is no easily accessible central source of statistical information on this issue. The information gathering system is inappropriately structured.

7. RESEARCH ON TARGET GROUPS

There are no specific studies on young people ageing out of care. Only a few passages in some studies provide some information:

- In 2007, the Ministry of the Interior published its analysis of data on young people leaving residential and juvenile correction facilities in 1995–2004 (MVČR, 2007b). The report unequivocally confirms that the Czech Republic lacks a clearly defined, internally connected, and—most importantly—functional after-care system for young people leaving residential care.
- All studies conducted by NGOs on alternative care confirm the high percentage of Roma children in institutional facilities. As noted above, Roma children currently account for 60 per cent of the spaces in residential care (Říčan, 1998).
- As mentioned above, the Centre for Alternative Family Care and research on care leavers confirm that young people who leave residential care are particularly disadvantaged by a number of factors.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Improving the legal and policy framework

- Children belong in families' is the message of the coalition of non-profit organizations active in the field of alternative care. The group advocates the shortest possible residential care period and an increase in alternative family care. It supports the establishment of one responsible authority, the creation of a relevant national strategy, modern approaches in the field of social services, and non-discriminatory access and practices.
- The state must clearly define after-care priorities. The complete lack of an after-care system is a major problem in the national Query concept for family policy. It is essential to reform the whole after-care system, make it more effective, and adapt it to suit the needs of young people leaving the system of alternative care. The Ministry of Labour and Social Affairs should initiate the creation of a conceptual solution in cooperation with other institutions, first nationally and then regionally.
- One authority should be made responsible in accordance with the newly created Query concept for the child and family; it should have executive control over the whole field of alternative care for children and adolescents.
- NGOs and state services should be supplied with sufficient long-term financial resources for after-care services; resources should be focused on each individual child to ensure lasting and systematic quality service provision.
- The Social Services Act should require municipalities to create medium-term plans as a basis for regional planning. Young people leaving care should have adequate representation and political support in the process of community planning in order for plans to reflect the actual needs of young care leavers.
- A campaign to raise public awareness should focus on the problems of children at risk.

Improving the services and practice framework

- The quality of social work in the field should be improved to focus on prevention and support to the family of origin. The workload of socio-legal child protection bodies should be decreased; new programmes and projects should be developed as alternatives to residential care.
- New forms of foster care (such as short-term, supporting, respite, therapeutic, and other professional foster care) should be introduced. Foster families should be trained and monitored to ensure that their care is the most suitable. Children with disabilities should be placed with foster families that have received specialized training.
- The reliance on residential care should decrease, yet work should continue to improve the conditions in residential facilities. Staff in these facilities should receive continuous training and support. Children leaving residential care should receive adequate support and services. This recommendation echoes a previous one made by the Committee on the Rights of the Child in 2003 (CRC, 2003).
- Six months before the end of care of a young person, a case conference should be held to discuss the main aspects of independent life, including housing, work, partner relationships, and contacts with family
- For a minimum of two years after leaving care, the care leaver must have one key contact person to coordinate support and convene further case conferences in case of need.⁹

- The capacity of halfway houses should be strengthened. They should not routinely restrict the stay to one year, but rather individualize their support. Care leavers should not live together in facilities with delinquents.
- Private programmes designed to facilitate growing up and entering the job market without the support of families of origin should be promoted.
- Municipality-level programmes that assist care leavers to find housing should be supported and promoted.

Providing better data

- The CRC recommends that data collection should be strengthened and centralized. Special attention should be focused on especially disadvantaged groups of children, such as Roma and other ethnic minorities, the socio-economically disadvantaged, the disabled, and children in residential care (CRC, 2003).

KEY CHILD AND YOUTH CARE TERMS

Dependent child. The Social Welfare Act defines a child as dependent until the end of compulsory education and no longer than up to 26 years of age, if the young person is continuing to prepare for a career or is unable to do so due to long-term adverse health.¹⁰ At the end of compulsory education, a child is also considered dependent up to the age of 18 if he or she is registered with the employment office as a job seeker and is not entitled to unemployment benefits or support for retraining.

Foster care (*pěstounská péče*). This state-guaranteed form of alternative family care ensures the child's adequate material security and a reasonable payment for those who have taken the child into their care. The child can be entrusted to the foster care of a physical entity or the joint foster care of a married couple; the only substantive legal condition is the best interests of the child. The foster parent must provide a guarantee of

the due upbringing of the child and has the right to represent the child and administer his or her affairs in routine matters only. In order to carry out extraordinary measures (such as applying for travel documents), foster parents must secure the consent of the child's statutory representative through the socio-legal child protection authority and the court. The court decides to place a child in foster care and, in exceptional cases, the court may revoke foster care. Usually, however, foster care ends when the child comes of age.

Facility (*zařízení*). The Institutional Care Act states that a facility (for residential care or juvenile correction) can make full direct provision for a dependant if that person is preparing for a career, though not beyond the age of 26.

Guardianship (*poručenství*). The court appoints a guardian in cases where a child's parents have died, they have been divested of parental responsibility, the execution of their parental responsibility has been suspended, or they are unable to enter into legal acts (and therefore are not the bearers of parental responsibility). If the guardian cares for the child in person, both the guardian and the child are entitled to the same material security as in the case of foster care. The guardian is the child's statutory representative. However, by law, the same relationship does not arise between a guardian and the child as between parent and child. The law stipulates the extent of the guardian's rights and obligations to the child as follows:

- to raise the child.
- to represent the child.
- to administer the child's property.

Young person (*mládež*). The Juvenile Justice Act recognizes two groups under the term 'young person': 'children under the age of 15' and 'adolescents (above 15 and under 18)'.

- A childcare and family concept should be developed on the basis of analyses, international comparative surveys, and current practice.

Identifying new research studies

- Research should be conducted to identify the reasons why so many children run away from educational care facilities.
- Statistics are needed regarding the percentage of Roma children in residential care, though it is clear that their representation in these facilities significantly exceeds the proportion of Roma in the Czech population.

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- ¹ This chapter is mainly based on Folda (2009), which features contributions from Oldřich Matoušek, Hana Pazlarová, Anna Šabatová, Věduna Bubleová, Alena Vávrová, Martina Vančáková, Jana Frantíková, and Renata Janičková.
- ² As there is no accessible central source of statistical information, no precise data is available on the total number of children and adolescents living in residential care facilities at any point in time.
- ³ Social welfare facilities are intended for children and adults with special needs who are unable to take care of themselves (such as children with mental disabilities). Only four per cent of the children living in social welfare facilities are placed there because of a court decision.
- ⁴ In 2007, the Ministry of the Interior reported that 70 per cent of care leavers returned to their family of origin (MVČR, 2007a).
- ⁵ The law does not specify until what age this assistance is available.
- ⁶ See, for example, SNRP (n.d.).
- ⁷ Such training includes the joint project of the University of Economics and the Centre of Alternative Family Care, 'Starting Life'. Over one year and six months, 170 16–18-year-olds from 26 residential care facilities took part in the 13-day course, which was divided into three independent classes.
- ⁸ This limit is set in the Act on Execution of Institutional Care or Juvenile Correction in Educational Facilities (s. 4).
- ⁹ The time period of one year is not sufficient. A recent report of the Ministry of the Interior reveals that the number of cases of social failure among care leavers increases sharply following the first year after care. See MVČR 2007a.
- ¹⁰ Compulsory education in the Czech Republic spans 9 years (mostly between age 6 and 15).

ESTONIA¹

1. TARGET POPULATION OF CHILDREN AND YOUNG PEOPLE AGEING OUT OF CARE

In 2009, Estonia had a total population of 1,340,415, of which 20 per cent were under 18.

The number of children living below the absolute poverty line has been decreasing, although in recent years the rate has slowed. In 2007, 9.4 per cent of Estonia's children lived under the absolute poverty line.² The absolute poverty rate of children remains higher than that of households and household members.

Children and young people in alternative care

The Ministry of Social Affairs reports that in 2008 children in alternative care were distributed as follows:

- under guardianship or in kinship care: 1,389.
- in foster care: 401.
- in residential care: 1,323.

Young people ageing out of care⁸

In Estonia data is available only for children under 18 deprived of parental care, but data is not collected on young people who have left care. Their activities are not being followed or researched, and there is no comprehensive data for the target group. As there have been no studies on youths who have left care, it is difficult to establish contact with the target group or to monitor their progress in life. There is no available data on youths who are still in residential care after they have reached the age of 18.

2. SHORT DESCRIPTION OF ESTONIA'S CHILD PROTECTION AND CARE SYSTEM

Main actors of the child protection and care system

In Estonia, all children under 18 without parental care are the responsibility of the Ministry of Social Affairs. Other

governmental actors sharing responsibilities include the Ministry of Education and Science and, to a lesser extent, the Office of the Minister for Population and Ethnic Affairs, the Ministry of Justice, and the Ministry of Internal Affairs.

- The Ministry of Social Affairs coordinates all action concerning children. It is the focal point for child-related policy-making, the creation and updating of effective child protection laws, and the coordination of child protection at the national level. Decentralization and individualized, child-centred policies are key service principles.

- The Ministry of Education and Science administers boarding schools (mainly for children who are at risk in their families of origin) and also correctional schools for children in conflict with the law.

- The independent Chancellor of Justice acts as a children's ombudsman and has extensive experience solving individual cases involving violations of children's rights and carrying out monitoring visits to childcare institutions.

- County governments have a supervisory and monitoring role. They advise and facilitate information exchange and coordinate state activities in the municipalities. They also implement national policies and activities for the protection of children to be carried out by local authorities. They manage and issue licences for residential care facilities and state-financed child day care centres. County governments process complaints regarding social care services and carry out quality control visits for childcare. They also organize adoption.

Qwing to decentralization, there is no national youth care system in Estonia. Child and youth care services and other related services are delegated to local rural and urban municipalities. Municipalities develop and carry out specific programmes and projects for child development and protection. Larger cities often have youth policies in place as well as residential care facilities for youths and financial benefits for care leavers. The level of services to which young people leaving care are entitled depends heavily on the municipality where they are registered.

- Municipal governments offer specialized child protec-

tion work positions to assist children, families with children, and other persons raising a child. This is a recommendation from the central government, but not an obligation. The national government cannot influence municipalities in terms of staff composition, and since not all municipalities are equally child-rights oriented, many do not have professional child protection officers. The number of child protection specialists in municipalities is slowly increasing, however. There are 155 at the local and county level,³ with a target of one child protection worker for 1,000 children.

Types of care settings

Care settings can be private, local, or state-owned. Previously the Ministry of Social Affairs ran many childcare facilities as part of the Soviet system's heritage. Currently governance is in the hands of municipalities and the state plays a supervisory role.

Residential care facilities have to struggle with tight budgets that barely cover basic expenses such as personnel costs. Facilities that have trouble securing sufficient funding are unable to pay salaries that match to the professional qualifications required by law (the Social Care Act). Funds are allocated to substitute homes (also known as children's homes) based on the number of children (per capita) rather than on the basis of actual expenses. This puts substitute homes with a smaller number of children in a difficult position because the fixed costs are too high and they are unable to offer additional services, such as psychologists, other therapeutic services, or leisure activities.

In general a child is eligible for various types of childcare, arranged and financed by the state. This state-financed care can be either residential or foster. Apart from these two types of care, a child can also be adopted or be taken care of by a guardian (usually kinship care), which is arranged by the municipality. In addition, a child can be placed in a temporary care facility (a children's shelter).

There are four types of alternative care:

- Substitute homes (regulated by the Social Welfare Act). Substitute homes are fully state-financed and can accommodate large or small groups, such as SOS families. The aim is to move towards more family-like settings with smaller 'family-type units' by 2015. Residential care facilities are licensed by the county

government; this permit is reviewed every five years. Substitute home services can be provided by a self-employed entrepreneur, a legal person, a local government institution, a government institution or a government-administered institution with a valid licence for providing substitute home services. The county government is responsible for checking that the substitute home complies with the Social Welfare Act regulations and should monitor the quality of services periodically.

- Foster care (regulated by the Social Welfare Act). Foster care was reformed in 2005, when the reasons for placement and the requirements for foster families were put in place.
- Guardianship (regulated by the Family Act). Usually the appointed guardian is a relative. Guardianship is arranged by the municipality. The same conditions apply to kinship care.
- Children's shelter. This service may be used as an emergency measure.

The local government's social service officers assess a child's situation, appoint support persons, and file injunctions in court to separate the child from its parents. They must find the most appropriate form of alternative care for each child. If it is not possible to appoint a guardian for the child or place the child's in foster care, they have to choose a suitable service provider. They further monitor the child's in the selected residence.

3. LEGAL AND POLICY FRAMEWORK

The main provisions regarding child protection and care are found in the Child Protection Act, the Social Welfare Act, the Family Act, the Pre-school Children's Institution Act, and the Influencing Minors Act.

Legislation and policy on child and youth care

- The Social Care Concept is a policy document on social care for the period 2004–07. It mandates the Ministry of Social Affairs to:
 - bring the management and financing of alternative care completely to the municipal level and hand over state-administered care facilities to the municipalities.

- make relevant childcare services accessible.
- develop a system of cost-based financing.
- stipulate minimum standards for all childcare services.
- offer training to foster parents and childcare specialists.
- determine the ratio of protection workers to children.

- The Child Protection Act designates which bodies are responsible for child protection and ensures equal rights for all children to receive assistance and care irrespective of their family situation. Children without parental care have the right to support by the state. An entire section of the Act regulates the situation of children in need of assistance, including aims, obligations, different types of emergency intervention (such as support to families or persons who are caregivers), children's shelters, guardians, and follow-up care services for children who have left emergency care or detention. The Act covers only persons under the age of 18 and thus does not apply to children leaving care over that age.

- The Family Act regulates parental rights and obligations, for separating children from their parent(s), the adoption process, child support, and legal guardianship.

- The 2007 Social Welfare Act regulates all issues concerning social care and assistance. It also oversees state-financed social services and social benefits. Specific provisions concerning alternative care service for children without parental care are also regulated by this Act. For example, it manages the residential care system and minimum requirements for service providers and staff, and it defines the services and the mandatory state-approved licence to ensure compliance with the minimum requirements. The Act further regulates procedures related to a child's care placement, such as child participation,⁴ non-separation of siblings, family reunification, and the provision of information to children and families. Residential care should provide children with family-like living conditions. The Act further stipulates biannual institutional monitoring, which also informs the government and helps ensure the most appropriate after-care services for children and the annual review of their care plans.

- The 2005 foster care system reform regulates grounds for placement, decision procedures, rights and requirements for foster families, obligatory development plans, as well as information and visitation rights.

- The 2002 State Family Benefit Act regulates benefits such as those for families with more than seven children, adoption benefits, childcare benefits, birth benefits, and single-parent benefits.

- The 2004–08 Strategy for Child Rights Protection was extended for 2009 to assess the efficiency of the measures being taken. The 2005 Child Protection Concept was an attempt to conceptualize and set the basis for a sustainable national system for child protection.

Key legal provisions regarding preparation for leaving care and after-care support

The issue of leaving care is very poorly addressed by legislation. A number of legal provisions are imprecise, general, and declarative; they lack concrete regulations. Implementation lacks rights-based monitoring, minimum standards, reliable data, systematic collaboration, and participatory approaches.

There are some provisions in the Social Welfare Act concerning the organization of substitute homes that mention the preparation of young people for leaving care, but these provisions are vague and not fully implemented. There are no specific provisions on the actual process. As is the case with preparation for leaving care, there are no national legal provisions regulating after-care services.

The Social Welfare Act requires care providers to ensure the care, development, education, and security of the child and to take steps to prepare the child for leaving care and becoming independent. There is a provision for introducing more specific measures and obligations through a Minister of Social Affairs decree. It does not mention leaving care, however, and instead requires the substitute home to 'provide the child with development possibilities', 'develop the child's work skills and habits', and 'develop the child's abilities'.

The Social Welfare Act further requires the local government to ensure biannual monitoring visits to substitute homes in order to follow the child's development and safeguard the child's contacts with his or her family of origin. The local government must also create conditions for the children's return must assist them to become independent. Since 2008, all municipalities have

been required to draft a case plan for each child placed in alternative care, with the exception of guardianship placements. This consists of a needs assessment and an action plan that must be updated once a year.

The Social Welfare Act requires the local government to grant housing to a person or family that is unable to secure it, creating, if necessary, possibilities for renting social housing. The local government is responsible for social housing.

Strengths

- A study on child poverty shows that in 2000–07 family financial benefits (including parental compensation) and income tax reductions (according to the number of children in the family) reduced the number of children living below the absolute poverty line by almost one-third (around 20,000 children) or 8–10 per cent of the children's total population (PRAXIS, 2007). These benefits have reduced the poverty of larger families but this is less true for single-parent families.
- The Ministry of Social Affairs supported the creation of new family- and child-centred institutions (in Pärnu, Haapsalu, Narva-Jõesuu, and elsewhere) and now offers follow-up PRIDE training for foster parents. In 2008 the Children's National Help Line 1345 was created and a national campaign to stop violence against children was carried out. The Ministry of Social Affairs is also testing a more secure, centralized, and all-inclusive social service and statistics electronic data register (STAR) for all municipalities to provide adequate and timely data on social services.

Identified gaps

- The Ministry of Social Affairs has not been able to implement all its strategies or ensure decentralization of the services. The accessibility of childcare services is complicated to evaluate. Minimum standards for all childcare services have not been developed yet and the new Social Welfare Act and the Child Protection Act have still not been drafted. The Child Protection Act is largely a declarative document and lacks concrete provisions for implementation. The main constraints at the governmental level are a lack of resources that political will.
- There are vast regional disparities concerning financial resources and the practical capacities of different

municipalities. Smaller rural municipalities often lack resources for any kinds of service and social housing is often nonexistent. Small municipalities have very few staff, and they are not specialized in children's issues; too often, they are not child-sensitive in their working methods.

- In practice, the complaint procedures and monitoring function of the county governments are extremely weak, superficial, and do not include rights-based monitoring. This is due to a lack of expertise, training, and guidance from the state. The role and responsibilities of county governments have been under scrutiny. It appears that they lack a strategic approach and suffer from a lack of professionalism in dealing with social rights issues.
- One of the main obstacles to planning activities for after-care life is the lack of substantial data on the well-being and progress of care-leavers. In Estonia there is no data collection system in place regarding young people who have left care. Currently there is very little systematic collaboration between state duty bearers and NGOs working on the issue of after-care life. The main constraints for local NGOs are limited visibility due to poor advocacy and a shortage of specialists; in addition, they are partly dependent on government financing.
- The collaboration between state duty bearers and NGOs working on the issue of leaving care is also problematic. There is no working group for alternative care that addresses solutions or creates projects. Most efforts in the area are one-off projects that do not have a real impact on developing a better leaving care system.
- Child participation has not been developed in Estonian society nor has it been mainstreamed into the decision- and policy-making processes of the state and local governments.
- Some requirements, such as monitoring residential care facilities, are still relatively new to local governments and not entirely implemented everywhere. The care plan review is not applied in practice as a way of questioning the grounds of placement or supporting family reintegration. A child in residential care has little chance of returning to his or her family of origin.
- The provision on preparation for leaving care is too general and imprecise to be effectively implemented in practice. Concrete minimum measures are not specified. Currently there is significant variation among

practices to prepare children for leaving care by different care institutions.

- The Ministry of Social Affairs decree lacks clear measures and regulations for leaving care or after-care service provision.
- The Social Welfare Act provision on a child's reintegration into his or her family of origin applies only to children who are placed outside the local government administrative area. Children who are placed in the administrative area where their families of origin live do not have the same guarantees.
- The biannual monitoring visits by local government, which are supposed to serve as tools preparing for leaving care, are not properly and regularly implemented. The purpose of the required visits is unclear.⁵
- The Social Welfare Act does not grant children who are leaving care the necessary priority in receiving housing. Securing accommodation depends on the abilities of local government and the availability of social housing. No minimum standards are set for the conditions of the housing. Many municipalities do not own social housing, or it is very limited.
- There are several shortcomings in social services and benefit. The locally managed rehabilitation service lacks specialists; resources and capacities are not available for all local governments. Services for disabled children are limited and rarely used.⁶
- There are many types of family benefits but they are rather small and make only a very limited difference in the lives of most families.
- Boarding schools do not have the same requirements for staff as substitute homes, even though the children's living arrangements are the same. The children therefore lack psychological help, guidance and positive role models.
- The Chancellor of Justice, who acts as an ombudsman is poorly known by the public, difficult to access, and children rarely initiate cases directly.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

At the national level, youths are entitled to care services until the age of 18 or until they finish full-time studies that were started before they turned 18.⁷ Young persons

who turn 18 and are not studying are no longer eligible for state-financed alternative care. Nor can they continue to live in residential care if they begin their studies after turning 18. There are no legal requirements regarding alternative care services for young people over 18. The decentralized system with municipal autonomy and little state interference leads to wide divergences in youth care and after-care services. These depend on staff commitment and skills, capacities, and the availability of finances. Decentralization also hampers the creation of national legislation that could decrease the financial burden on municipalities.

Preparation services for leaving care

Residential care facilities are required to provide family-like care and secure living conditions that cover children's basic needs, support the child's development, and adequately prepare the child for adult life. This provision requires the care facility to prepare the child for leaving care and to become independent.

There are currently no regular services that apply to all children in alternative care. Preparation services vary greatly from one care placement to another, depending heavily on goodwill and opportunities. Many children's homes admit they offer no services at all, while in others children receive only career development organized by their schools. A few substitute homes, such as SOS Children's Villages, offer a wide range of services, from psychological consultancy to training in life skills and career skills. These services are mostly financed by the institution itself or by private donors.

All children who are in alternative care have a case plan that describes their individual needs and the services required. The types of care facility are listed in the Social Welfare Act, which includes youth homes as living and rehabilitation facilities for children over 15 who come from residential care as well as schools for children with disabilities or for other children deprived of parental care. Several youth homes have been set up in municipalities, often incorporated into an already functioning substitute home for children under 18. The care settings remain the same but young people live in a separate unit to facilitate their preparation to leaving care. There are no specific provisions relating to the organization of such facilities. Each municipality is responsible for developing its own strategy

and services and the after-care facilities differ greatly. In larger cities such as Tallinn and Tartu, the youth care system is better developed and youth homes are accessible for care leavers. In smaller municipalities youth homes are created on an ad-hoc basis and the type and quality of the services provided are at the local government's discretion.

After-care services

Once a child turns 18 and is not continuing with higher or vocational education, he or she is no longer eligible for state support. There is no legislation stipulating what kind of services or support the young person is entitled to. There are no regular services; assistance depends on the will and inclinations of each care provider. Services offered by municipalities are often restricted to disabled children.

Larger municipalities offer some after-care services but usually there is no comprehensive after-care package. There is a great need for support networks, and in particular a system of individual support for at least the first few years after leaving care.

The state offers a one-off benefit to young people leaving residential care, which in 2009 was EEK 6,000 (EUR 400). Since 2007, this benefit is also paid to young people leaving foster care and guardianship care. There are also additional benefits available from local governments, but they differ according to local financial capacity.

Young people leaving care are not necessarily assigned priority in receiving housing from local government. Access to housing depends on the abilities of the local government and the availability of social housing.

Maintaining contact with the young person who has left care happens on an ad-hoc basis and none of the national or local authorities are directly responsible for maintaining contact.

There was no information available on the existence of formal or non-formal networks of care leavers, but SOS Children's Villages Estonia is working on developing such a network.

IDENTIFIED GAPS

- The legal obligation to prepare young people ageing out of care for leaving care is too general and imprecise to be effectively implemented in practice. Currently there are

MARI, 18 YEARS OLD

Mari had just finished high school when she became pregnant. As soon as her boyfriend found out about it, he left her. Mari had to leave the youth facility in which she was living and find a new home. A friend told her that there was a centre where pregnant young women could go for support.

A social worker at this centre helped her to find a job. While it had not taken a long time to get a job, the working conditions were poor, especially for a pregnant woman. Mari had to work until late at night in a restaurant where people were smoking. Her doctor told her that it was harmful to her and the baby's health to continue working in such a smoky place, so she decided to quit. As she was already three months pregnant at that stage, no other employer agreed to hire her.

Today she is living from the little social assistance the state is providing to single, homeless, unemployed young mothers.

great disparities between different facilities for residential care; preparation services depend on the goodwill and capabilities available within each care facility.

- The quality of services and approaches varies greatly from one municipality to the next. The main constraint for municipal service provision are clearly a lack of resources and professional staff. The municipalities are not active in prevention work and concentrate only on addressing problems. There is a lack of training and motivation for social workers and child protection officers. The worst situation is in rural areas, where qualified professionals are very difficult to find.
- A key problem in leaving care is access to adequate housing. In practice many municipalities do not comply with the obligation to provide housing as set out by law.
- Poor education leads to difficulties with job searches. Schools with higher teaching standards organize entrance exams, but children in care often lack the support and motivation to prepare for exams. Owing to their low self-confidence, care leavers are less competitive in the labour market.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

- **Right to quality alternative care.** Alternative care is provided only to children under 18 or those completing studies started before they turned 18. There is no system of gradual after-care preparation or a fixed set of after-care services in place (except for local, inconsistent one-off payments or housing arrangements) and the quality of service varies widely among care providers and communities. The biggest problems for care leavers are the lack of financial assistance, emotional support, adequate housing, and guidance and preparation for living independently.
- **Right to employment.** Care leavers have limited job opportunities due to their lower level of education.
- **Right to adequate housing.** Sometimes social housing is not available at all; if it is available, it is usually in poor condition, needs repair, and is not furnished.
- **Right to education.** Children in care have fewer educational opportunities and are therefore less competitive in the labour market.
- **Right to participation.** Poor child participation practices are common in Estonian society. Child participation has not been mainstreamed into the decision- and policy-making processes. Children in care are not adequately involved in making decisions about themselves, thus they often lack the motivation and initiative necessary for participation.⁹

6. OFFICIAL DATA SOURCES

The main source of information is the Ministry of Social Affairs. However, this ministry does not provide data on the situation of youth in care or information on any after-care services. Additional information can be obtained from governmental and alternative reports regarding the implementation of the United Nations Convention on the Rights of the Child and the United Nations Development Programme's Human Development Reports.

7. RESEARCH ON TARGET GROUPS

No research has been done in Estonia on young people ageing out of care.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Improving the legal and policy framework

- The Social Welfare Act or a decree of the Ministry of Social Affairs should impose a set of minimum standards and activities to prepare young people for leaving care.
- Minimum standards should also refer to services in any setting for young people older than 15. Such criteria need to become requirements for issuing licences for childcare providers.
- A support person should be assigned to each young person leaving care. This person would be in charge of supporting the young person in the first months or years of independence. Such a system of support persons should be available in all municipalities to all care leavers nationwide. A young person should have the right to select the support person they prefer. Such a system should be provided for by the law and be nationwide.

Improving the services and practice framework

- State and municipalities should improve their cooperation in implementing the current legislation.
- Comprehensive after-care services should also include young people over 18.
- Coverage of costs for leaving care services needs to be clarified and unified.
- Equal support should be offered to all young people leaving care, including from placements other than residential care (such as foster care and guardianship).
- Networks for care leavers should be created.
- Young people's participation in the care system and after-care services should be promoted and ensured. Services should be of a voluntary nature, allowing young people to participate in making decisions regarding the whole leaving care process.
- Emotional preparation and confidence-building should be integral parts of the leaving care preparation services.
- A conference focusing on the youth care system and after-care services should be organized to push for minimum requirements and better after-care services.

- The complaint mechanisms provided by the Chancellor of Justice should become more transparent and user-friendly for children and young people from care.
- Leaving care services provided by NGOs need to be strengthened and recognized as complementary to the ones provided by state authorities.

Providing better data

- State duty bearers need to develop a proper monitoring and evaluation system of the situation of young people who are in care and who have left care. Responsibilities should be clearly determined. The frequency of follow-up measures needs to be set down.¹⁰ Data, including information about existing services and other aspects, needs to be available to all stakeholders, including young people.

Identifying new research studies

- Stakeholders should collaborate to create a nationwide study mapping the profile of care leavers, their progress, and the availability of youth care services in each municipality. The study can be used to plan leaving care support services.

DEFINITION OF KEY CHILD AND YOUTH CARE TERMS

Guardianship (*eestkoste*). Kinship care (as defined by the Family Act).

Foster care (*perekonnas hooldamine*). Care placement of a child with a family other than the child's family of origin (as defined by the Social Welfare Act).

Residential care (*institutsionaalne hoolekanne*). Care placement of children in forms other than family-style care (as defined by the Social Welfare Act).

Substitute home (*asenduskoduteenus*). Care placement ensuring family-style living conditions. This type of facility is also called a children's home (as defined by the Social Welfare Act).

- ¹ This chapter is based on Soova (2009) and reflects information available up to December 2009.
- ² Data provided by Statistics Estonia, Ministry of Finance.
- ³ Figure for 2007 provided by the Ministry of Social Affairs.
- ⁴ Children who are at least 10 years old may express their opinion, which is to be taken into consideration for decisions concerning them. In cases of separation from home and family, the opinion of children younger than 10 has to be taken into consideration according to their maturity and development.
- ⁵ In interviews conducted with 15 young people in the care of SOS Children's Villages, six respondents said that they had had no contact with the local social service officer, four said that they had had limited or irregular contact, and only five said that they had good contact.
- ⁶ In 2008, there were 75 licensed babysitters. In 2007, 98 children (aged 0–17) used the personal assistant service.
- ⁷ Youths are also entitled to care services for health reasons while pursuing a diploma in middle school, high school, or vocational school until the beginning of the next school year, or a vocational school or university until the end of the nominal study period if the studies were begun in the same calendar year that a middle school or high school diploma was obtained.
- ⁸ It is difficult to gather data on rights violations in the target group due to the lack of reliable research. Information has been compiled based on empirical research involving 15 young people in the care of SOS Children's Villages (aged 17–22) and children from residential care and stakeholder meetings. As the preparation and youth care services offered by SOS Children's Villages are generally better than the regular ones offered by residential care settings, views of young people who grew up in SOS families may not be representative.
- ⁹ Children from the reference group did not feel adequately involved in making decisions about their life: 4 out of the 15 young people replied that they had never had the opportunity to do so, 7 said they were rarely involved, 4 answered they were sometimes consulted, while only 1 stated that he had always been involved in making decisions concerning his life.
- ¹⁰ After a young person has left alternative care, there is no obligation or right for the state to collect relevant data against his or her will.

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FRANCE¹

INTRODUCTION

In France the situation analysis took a different form from that in other countries participating in the *I Matter* project. In fact, an equivalent analysis had already been published in 2008 in the volume *Young People's Transitions from Care to Adulthood: International Research and Practice* by Mike Stein and Emily R. Munro. The chapter on France, edited by Annick-Camille Dumaret, sets out the facts and the institutional and legal context as well as the results of research and studies on the issue, all of which are still relevant today (Dumaret, 2008).

Nevertheless, it seems important to take account here of a new phenomenon in France: the emergence of a public debate in 2009 on the issue of the entry into adulthood. This debate concerns not only young people in general, in the context of the work of the High Commission for Youth, but also young people leaving care through the work carried out by the Observatoire national de l'enfance en danger (National Observatory for Children at Risk, ONED), with which SOS Children's Villages France was involved. This chapter considers young people at the European level, and then turns to the current issues related to transitioning to independence in the field of child protection.

CONTEXT: ACHIEVING INDEPENDENCE LATER IN EUROPE

Extended studies, job shortages, problems with professional integration: all over Europe people are entering adulthood at a later age. But beyond this trend the picture is less clear-cut. In her comparative research on the future of adults in Europe, Cécile Van de Velde notes that, on the one hand, the youth job market is far worse in southern Europe than in northern Europe and that, on the other hand, a wide range of public interventions, educational systems, and family cultures have a profound impact on

young adults' pathways to independence and professional integration (Van de Velde, 2008). These factors shape each young person's transition to the adult world.

With more than 22 per cent unemployment among 15–24-year-olds (Eurostat, 2010), the French job market discriminates against young people. Among the problems identified by the Green Paper published in 2009 by the Commission on Youth Policy² are the increasing difficulty and precariousness of professional integration, a higher level of poverty among young people, as well as a significant number of school drop-outs before completing their education, resulting in a lack of diplomas and qualifications.

The system of social protection for young people maintains the principle of parental duty during education and integration, thus placing the cost of this transitional period on the family. The state provides family allowances and tax relief to families that help their children. But there is very little direct financial assistance for young people, which keeps them in a position of dependence. Among 18–25-year-olds, 60 per cent of men and 43 per cent of women still live in their family home and more than half are not involved in any professional activity (CAF, 2009).

Besides, in a French job market in which access to employment is closely linked to the last diploma obtained, the choice of sector and level of studies strongly influence social and family trajectories.

As Cécile Van de Velde writes, 'Youth is seen as the point for getting on the track that will more or less define the adult pathway' (Van de Velde, 2008). Moreover, the French integration model is characterized by educational routes that fail to dovetail with salaried work and that are extended by a likely period of unemployment and late access to work.

SUPPORTING VULNERABLE 18–21-YEAR-OLDS

Along with Finland, Germany, Norway, Sweden, and the United Kingdom, France is one of the European countries with special legislation to support the transition of vulnerable young people into adulthood. However, in France, the interpretation and application of this legislation is the subject of controversy.

The special support system for vulnerable young people was set up in 1975, after the age of majority was lowered, with a judicial support measure for the young adult and administrative protection for young adults facing ‘serious problems with social integration due to lack of resources or inadequate family support’. The decentralization laws of 1982–83 transferred responsibility for administrative support to the French departments, to be managed by the *conseils généraux* (county councils), while the judicial measure remained the primary remit of the state. A law reforming child protection was passed on 5 March 2007, reinforcing the option of pursuing (in the administrative area) the protection measure for young people under the age of 21 who ‘are experiencing problems likely to seriously jeopardize their stability’.

Despite the existence of this special legislation for vulnerable young people, a recent ONED report on entering adulthood cites inadequacies in the law’s interpretation and implementation, as well as inconsistencies between the specific legislation and the system of common law (ONED, 2009).³

Consequently, legal ambiguity continues to characterize the duty to support young adults and its allocation criteria remain unclear; the result is a high degree of political and practical heterogeneity in the support provided by the *conseils généraux*.

Moreover, the implementation of this system comes up against the state’s reduced funding of judicial support measures for the young adult, and against the problems faced by regional authorities in meeting all their obligations without additional resources. The resulting risk is that young people with problems will pay the price for the failure of the system.

As noted above, the special provisions are not entirely compatible with the provisions of common law. The most notable inconsistencies concern the age of majority and the entry and exit points from various systems. In particular, compulsory education ends at 16, majority is attained at 18, alternative care terminates at 21, and basic welfare benefits may be accessed at 25 under common law. In addition, the common law stipulates specific entry conditions regarding education and integration; these requirements create a barrier for young people.

Finally, all these provisions tend to be aimed at the young people most capable of setting up and carrying out coherent projects; they generally ignore the young people with the greatest problems (ONED, 2010).

In response to these inconsistencies and problems, the High Commission for Youth launched a consultation process on youth policy in 2009. Within the ensuing Green Paper framework, several recommendations were put forward with a view to de-compartmentalizing the support systems and addressing more closely the needs of young people most in need. One recommendation was to introduce a protection measure accessible to all young people without resources or family support, regardless of whether they have benefited from educational measures before turning 18; responsibility for carrying out this measure would be shared between the *conseils généraux* and the state (CCPJ, 2009, proposal 16). Yet besides raising concerns over funding, this proposal also calls into question whether the specific needs of young people leaving residential care are being adequately addressed.

CONCLUSION

Of all age groups, young people generally experience the greatest hurdles in accessing employment and housing. For care leavers, these challenges are especially destabilizing.

Care leavers are even more vulnerable because they accumulate interrelated risk factors—at the social, family, and personal levels—and are forced to confront all the transitions simultaneously rather than in a gradual process of becoming independent. Indeed, by the age of 21, when child protection is no longer accessible, care leavers are expected to stand on their own two feet. That they are expected to integrate more quickly than the general population is thus cause for concern, especially given that as at 31 December 2007 more than 21,500 young adults—namely 0.84 per cent of 18–21-year-olds in France—benefited from a child protection measure.

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² The Commission on Youth Policy (Commission de concertation sur la politique de la jeunesse) was set up by the High Commission for Youth.

³ Common-law provisions apply to all situations that are not subject to special or particular regulations.

GEORGIA¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE AGEING OUT OF CARE

Georgia's population of 4.4 million includes 726,300 young people aged 15–24 (about 16.6 per cent of the population).² Children under 18 years of age constitute 25 per cent of the total population.

Children have a higher rate of extreme poverty than the general population: 12 per cent of children compared to 9 per cent of the general population. In addition, 28 per cent of children compared to 24 per cent of the general population live below the total poverty line, especially in rural areas. This limits their access to social services and schooling (UNICEF, 2008). Low health spending translates into a high infant and under-five mortality rate—32 per 1,000 (UNICEF, n.d.)—and a rise in infectious and parasitic diseases (MoLHSA, 2007).

Children and young people in alternative care

Based on information provided by the Social Service Agency of the Ministry of Labour, Health, and Social Affairs the number of children in alternative care in December 2009 was:

- foster care: 660 children.
- children living in small-group homes: 242 (includes children in SOS Children's Villages).
- children enrolled in day care centres: 510.
- children in large residential care facilities: around 1,300.

Young people ageing out of care

There is no single, integrated database on young people ageing out of care. For the situation analysis prepared by SOS Children's Villages, the Ministry of Education and Science collected data on 15–18-year-olds in state care who returned to their families of origin. Of these children,

199 teenagers left state institutional care in 2007, 15 left foster care, 14 left small-group homes, and 8 left SOS care (aged 15–23).

In 2008, there were 679 young people aged 15 to 18 years living in care: 74 with foster families, 12 in small-group homes, and 31 in youth facilities run by SOS Children's Villages.

The responsible services do not have a unified database of care leavers and do not collect information on indicators such as education, employment and training, homelessness, health and well-being, delinquency and offences, or parenthood of young care leavers. Data is available on young people aged 15 to 23 who grew up in SOS families, but information is scarce or absent on youths in other care settings, making a comparison difficult. Comparisons are thus made based on qualitative information obtained in two locations.

Profiles of and paths taken by young people ageing out of care

The Committee on the Rights of the Child reports that: 'Institutionalized children form a segregated underclass and face significant disadvantages in adapting to mainstream society once they "age out" at the age of 18' (CRC, 2007).

Group discussions with social workers and youths showed that of all young people in care, those in residential care facilities are the most disadvantaged, as they have the lowest level of education (in terms of academic achievement and enrolment in higher education) and face the most obstacles in securing employment. Group discussions with youths in residential care facilities revealed that they have little motivation to perform and have poor study and work habits. Most of these care leavers had no idea what they wanted to do in the future. They did not seem to value education and were sceptical about finding employment. Many male focus group participants expressed a desire to join the army. They do not have the basic skills needed for independent living, such as communication or budget management skills, nor do they have appropriate study and work habits. Such care leavers are most vulnerable and homeless care leavers end up on the streets or living in poverty, with some engaged in prostitution and criminal activities.

The situation looks better with regard to small-group home residents as they receive more individual attention. Although their enrolment in higher education is low, they get vocational training and employment assistance. Thanks in part to better social skills and work attitudes, their employment potential is good. Fostered youths seem to have the same educational and employment opportunities as their peers who live with their families of origin.

Young people in SOS youth care settings are better prepared in terms of communication skills, educational achievement, attitudes towards work and study, and employability, are more confident about their abilities, and receive emotional and social support. In SOS Children's Villages, 63 per cent of youths attend vocational training courses, 28 per cent have certified vocational training, and 34 per cent pursue higher education.³

The employment rate among care leavers is 42 per cent; 26 per cent have an income above the minimum wage; yet only 3 per cent have social security. Only 17 per cent

KETI, 18 YEARS OLD

Keti has lived in residential care from the time she was a baby. Life has been difficult, especially in winter, when there is no heat and she cannot sleep at night because of the cold. Now that she is 18, she must leave care, but she cannot find a job and needs help. She asked one of the social workers from the residential care facility for guidance but was told that they were no longer responsible for her. She does not know where to go.

Ideally, she would like to study psychology at the university, but it is very expensive to study in Georgia and Keti does not have the necessary money.

Young people in general have difficulty finding jobs, and those without education face even greater hurdles. Keti feels depressed about this situation. She knows she is intelligent enough to manage many things for herself, but she does not have the strength she needs to face life's challenges all alone.

have inadequate housing arrangements; 9 per cent require medical support; 3 per cent are alcoholics; 8 per cent are young parents; and 2 per cent are single parents.

The number of homeless care leavers from state care institutions remains unknown. Thirty-seven formerly fostered children are known to be homeless.⁴

2. SHORT DESCRIPTION OF GEORGIA'S CHILD PROTECTION AND CARE SYSTEM

Main actors in the child protection and care system

The national government is responsible for the creation of proper legislative and regulatory frameworks for child protection, as well as for funding, monitoring, and assessing child welfare policies.

The transition from an authoritarian system of governance to a democratic system after the fall of the Soviet Union, as well as recent conflicts with the Russian Federation, have given rise to complex social problems (unemployment, a decline of services, displacement) that contribute to an increase in family breakdown and the placement of children in residential care. The main reasons for placement are poverty, illness of parent(s), and domestic violence due to substance abuse.⁵

The national government places great importance on de-institutionalizing childcare and on ensuring that children are raised in a family or family-like environments, but family support services are underdeveloped and insufficient.

Children are assigned to a care setting based on the recommendations of state social workers and on the conclusions made by a board or panel of the **Social Service Agencies of the Ministry of Labour, Health, and Social Affairs** at the regional level. The Social Assistance Law requires the Social Service Agency (at the national and regional levels) of the Ministry of Labour, Health, and Social Affairs (MoLHSA) to carry out the functions of a guardianship and care agency, coordinate the processes of adoption and foster care, and monitor the activities of residential care facilities.

Because the primary responsibility for providing child welfare services rests with the central government, this chapter first reviews the national actors and their roles, and then provides a brief overview of the legislation and policies governing the child welfare field.

The child welfare system in Georgia may be seen as a set of services designed to promote the well-being of children, ensure their safety, and strengthen families to successfully care for their children. In order to achieve these goals and to administer programmes for children and their parents effectively, the responsibility for child welfare functions was transferred from the Ministry of Education and Science of Georgia to the Ministry of Labour, Health, and Social Affairs in January 2009. Currently the **Child Welfare Department** of the Social Service Agency develops strategies to improve services and outcomes for children and families, monitors child welfare programmes; and handles the financial and support services.

The Child Welfare Department of the Social Service Agency works with state and local agencies to develop and implement programmes in the child welfare field. For example, local non-governmental organizations (NGOs) receive contracts to run and provide day-to-day management of small-group homes and day-care centres. The main organizations working on child and youth issues include UNICEF, the Georgian Association of Social Workers, SOS Children's Villages Georgia, EveryChild, World Vision, Breath Georgia, and Save the Children. They assist the state in the development of an appropriate legislative base and policy environment through consultations, training, study visits, and the financing of pilot projects. Local NGOs are involved in the implementation of government programmes related to child welfare issues.

The European Union Support to Child Welfare Reform Project, which started in 2006 and ended in mid-2010, had the following goals:

- to support the development of secondary legislation and child welfare policy for implementing reforms.
- to increase the capacity of national and lower administrative levels to plan, manage, and monitor the reformed childcare system.
- to increase the capacity of implementing bodies at the

lower administrative levels to offer childcare services to vulnerable children and families.

- to raise public awareness of the importance of ensuring that each child grows up in a family environment and what can be done to create such an environment.

Thanks to the implementation of this project, government officials and social workers were trained on the delivery of alternative family-style services, and many legislative and policy changes were introduced to improve the functioning of the child welfare system.

Types of care setting

Georgia's care system includes eight types of family-style care (referred to as 'alternative care') and residential care.

Family-style care and family support options include:

- guardianship/tutorship.
- adoption.
- foster care.
- small-group homes (such as SOS families).
- day-care centres.
- shelters for single mothers and their infants.

Residential care comprises:

- residential care facilities (called 'orphanages' even though many of the children still have one or both parents).
- boarding schools.

The most recent data available shows that the care system provides for the following number of children and youths (Partskhaladze, 2009):

- 41 in small-group homes (including 24 family houses of SOS Children's Villages).
- 1,298 in large state-run residential care facilities.
- 22 in residential care facilities (such as 'orphanages').
- 242 in small-group homes (including children from SOS Children's Villages).
- 628 in foster care.
- 103 children with disabilities in foster care.
- 83 children with disabilities in alternative care.
- 256 vulnerable children/families registered with child protection authorities as reintegration cases (through a prevention programme administered by the Child Welfare Department).
- 186,249 vulnerable families registered with the Social

Service Agency (those who receive a minimum subsistence allowance; this figure corresponds to the number of children living in poverty).

Four main types of youth care arrangements exist in Georgia for 15–23-year-olds:

- youth facilities and programmes managed by SOS Children's Villages for 15–23-year-olds.
- residential care facilities for children and youths up to 18 years of age, including boarding schools housing 30 to 150 children.
- small-group homes for children and youths up to 18 years of age, often managed by NGOs (such as World Vision and EveryChild), for up to eight children.
- Foster care settings for children and youths up to 18 years of age.

With the exception of youth facilities run by SOS Children's Villages and small-group homes run by other NGOs, the care provider is exclusively the state.

3. LEGAL AND POLICY FRAMEWORK

Young people are required to leave care at the age of 18. Leaving care has not been a political priority for many years; legal provisions regarding the organization of after-care services and support for care leavers are almost nonexistent. The Government Action Plan on Child Welfare and Deinstitutionalization 2008–2011 has introduced some improvements, however.

Legislation and policy on child and youth care

A number of laws and policy documents govern the child care system. The most important of them are:

- the Law on Social Assistance and the accompanying normative documents and decrees that define the system of state care for children, including their placement in different state care arrangements, sources of financing, implementing bodies, and their responsibilities. It also defines the social assistance system for those who require specialized care (children with disabilities and children without parental care) and those who live in poverty or without shelter. Five categories of social assistance are foreseen by the law:

- social subsistence allowance.
- subsidies for the payment of communal expenses.
- reintegration assistance.
- foster care assistance.
- assistance to families for taking an adult person back from specialized institutions.

- the Law on Foster Care and Adoption, adopted on 18 December 2009, which defines the rules of placement of children under foster care or adoption, and the rights and facilities of each of the parties involved in the care process.
- the Government Action Plan on Child Welfare and Deinstitutionalization 2008–11. This document emphasizes the importance of developing family-style care models for children who have lost the care of their parents. It also aims to decrease the number of children in child care institutions and therefore seeks to develop day care centres as family support services.

- the Child Care National Minimum Standards, which ensure minimum standards regarding the quality of services provided to improve the lives of children in alternative care. Unfortunately, these standards were not approved for foster care or other alternative care arrangements. The standards foresee:
 - information about the existing services to support families of origin and foster families.
 - individual approaches to service provision.
 - provisions for child development and a non-discriminatory approach (including socio-emotional development, physical development, education, leisure, health care, and nutrition).
 - protection from abuse and neglect.
 - the provision of a safe, client-oriented physical environment.
 - service administration.

Key legal provisions regarding preparation for leaving care and after-care support

Insufficient attention is paid to the preparation and after-care provisions for young people ageing out of care. There is a near-absence of regulations regarding the organization of after-care services, though it is worth mentioning that within the Framework of Child Welfare Reform in the Governmental Action Plan on Child Welfare and

Deinstitutionalization (2008–11) there is a focus on the support of the professional development of youths in state care to prepare them for independent living in the future.

Identified gaps

- The government agenda accords a low priority to care leavers, as evidenced by the poor financing of relevant programmes and the under-development of support services. Yet the allocation of government funding to child welfare programmes has been increasing in real terms since 2005. For example, there has been a five-fold increase in government funding for alternative childcare services, from GEL 800,000 (EUR 340,000)⁶ in 2004 to GEL 5.9 million (EUR 2.9 million) in 2009. Nevertheless, the resources remain insufficient to meet child development needs for vulnerable children.
- Services and departments face frequent staff turnover and coordination problems. This situation may improve gradually as a result of the transfer of responsibility for the administration of child welfare from the Ministry of the Education and Science to the Ministry of Health, Labour, and Social Affairs that took place in 2009.
- Local government employees do not have a good understanding of deinstitutionalization and child welfare in general. Poor communication between the national and local level, high staff turnover, and a lack of training lead to minimal spending on local child welfare programmes.
- A decree passed in 2008 that regulated eligibility for state assistance for higher education and vocational training included orphans and children with disabilities, children from families with four or more children, and foster children, but excluded young people in the care of SOS Children's Villages, as well as those from small-group homes, because they receive better care than the children living in residential care facilities. The excluded children could, however, receive partial scholarships by fulfilling certain criteria. By the beginning of 2009 this programme had been terminated.
- Social assistance programmes limit access through stringent assistance criteria. The financial assistance provided to families is very low—GEL 90 (EUR 38) per month. Parents do not have easy access to shelters or housing benefits in case of domestic violence; access to rehabilitation centres is either absent or limited to substance abusers. Therefore, parents are often persuaded to place children in state care; however, 2009 saw

new developments in this regard. One of the important interventions by the government for the families of the children placed in alternative care is the provision of reintegration services. The state provides financial support to families for taking the child back from residential care. If the child has disability, the payment is GEL 90 (EUR 38) per month and if the child has a disability, the payment is GEL 130 (EUR 54) per month. The duration of this financial support is not fixed and lasts until the economic situation of the family has improved. After the reintegration of the children into their families of origin, social workers are supposed to make sure that the children are protected and that their families of origin are strengthened and capable of providing an environment favourable to the development of the child. The Social Service Agency places more importance on the provision of non-cash services to vulnerable families that are considering child abandonment. The intention is to address root causes of abandonment by assisting families to find means of survival, such as learning new skills or improving housing conditions. One of the reasons given for abolishing cash assistance was that the state already provides social allowances to poor families that should deter them from abandoning their children. However, the amount of subsistence allowance is not enough to cover the needs of poor families.

- The response from the government on cases of domestic violence and violence against children under state care was—until recently—inadequate, characterized by complicated and lengthy procedures (Ombudsman's Office, 2008). There is currently a draft national child protection document. In addition, the Parliament of Georgia adopted a law on domestic violence. In close cooperation with international organizations, the government established mandatory referral procedures of child protection in all regions for the country within the framework of child welfare reform.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

The preparation of young people leaving care differs greatly depending on the care setting. It is inadequate and largely inaccessible to youths in large residential care facilities or fostered children living in rural areas. The

gradual transition of children from care settings to independent life is not provided for. The quality of education for children in residential care is low; vocational training is not needs-based; and training in social skills and individual planning are nonexistent.

There is a lack of after-care services in the country; state after-care services are limited to providing grants higher education or vocational training. Shelters are limited in number and of low quality; educational and health services are inaccessible in remote areas. Local services and responsible authorities lack qualified and trained human resources and are underfinanced; they face staff turnover as well as coordination and communication problems. Only a few NGOs fill the gap with self-financed services.

Preparation services for leaving care

Young people under the care of SOS Children's Villages receive the most comprehensive package of services and consequently show better development outcomes compared to young people in other care settings. With the exception of the programmes from SOS Children's Villages, existing leaving care services do not foresee a gradual transition of children from care to independent life. Young people in large residential care facilities receive the least and the lowest quality services; as a result, their development is hampered. The quality of preparation services differs according to the providers:

- Preparation services from SOS Children's Villages include psychological assistance, life skills training, budget management, and educational support. The transition to independent life takes place gradually. Once they turn 15, youths leave SOS Children's Villages and move to a youth facility, where they have mentors; later on, they transfer into a semi-independent living programme.
- Preparation services in small-group homes and foster care involve caregivers and social workers elaborating on the individual development plans for care leavers. Based on these plans, young people are expected to receive relevant skills training and education.
- Preparation services are virtually absent in residential care facilities.

After-care services

Young people leave care settings at the age of 18, soon after the end of the school year, usually at the end of May. The services offered to these young people are limited.

Young people who are under state care or who have left state care are eligible for education grants designed to finance their tuition fees at state-accredited higher education institutions and vocational training centres (with the exception of young people under the care of SOS Children's Villages). Tuition fees and stipends vary depending on the type of course and are paid until the student graduates. Moreover, a modest monthly allowance of GEL 50 (EUR 21) is provided during the study period.

The Law on Social Assistance requires local government bodies to provide shelters to the homeless, including homeless care leavers.

Except for the above provisions, no after-care service is envisaged in the current legislation for care leavers.

The situation is better for young people leaving the care of SOS Children's Villages. They continue to receive financial benefits from the organization up to the age of 23, provided they either work or study. They also have the opportunity to receive mentoring support from SOS staff and a housing stipend.

Numerous NGOs are engaged in complementing governmental services:

- The Young Lawyers Association provides free legal counselling services.
- The World Vision Learners for Life project established community-based centres for employment, education, and development; vulnerable young people, such as those leaving group homes, may access professional development services and employment assistance. A project financed by the European Union and World Vision supports youth development centres and group homes. Governmental financing or co-financing of community centres is under consideration.
- A number of NGOs provide free psycho-rehabilitation services to vulnerable populations, including psychological assistance and counselling. Funding for these activities is scarce and mainly comes from international organizations.

Identified gaps

- Because of inadequate financing available to children from foster care and group homes, involvement in paid vocational training courses is limited; free courses are rarely available.
- Young people growing up in residential care facilities receive little support from largely unqualified and underpaid staff (who may be unable to provide career counselling). Moreover, social workers do not work with children placed in residential care; consequently, individual development plans are not developed for them. The provision of health care services and health education for care leavers is not satisfactory in residential care, especially when they are located in remote areas and check-ups and surgery are prohibitively expensive. There is insufficient education on reproductive health issues and a lack of youth-sensitive confidential counselling services.
- Throughout Georgia, local shelters are scarce or nonexistent. The conditions in most shelters (mainly populated by internally displaced persons) are not safe in terms of physical infrastructure, hygiene conditions, or living environment (as criminal activities are commonplace). Local authorities are unable to provide young people with accommodation or employment (CRC, 2003). There are no housing services for care leavers who are known to be homeless.
- In a country with high unemployment rates, getting a job is difficult for care leavers with fewer qualifications than other youths.
- The sudden inclusion of children from residential care facilities in local community schools in 2006–07 was a painful experience for many children from those facilities because of insufficient planning, prejudices, and hostility by their peers and parents (EU, 2007; SRI, 2006). They were either regarded as dangerous children or they were pitied, both of which made them feel uncomfortable.
- There are concerns about the quality of education provided by schools in general, and the quality is even worse in schools that serve the poor and remote, including children in residential care facilities.
- The Ministry of Education and Science has opened vocational training centres in 11 locations of the country, at which young people from residential care facilities may enrol. The centres are not capable of providing the necessary material or technical services, however, as the poor facilities that do not meet the youths' needs.

- There is a shortage of social workers in Georgia. In addition, staff in large residential care facilities make social workers feel unwanted.
- Remuneration of foster parents is not sufficient to allow them to take care of child development needs, especially in towns. Fostered youths sometimes stay with their foster families even after they turn 18, without state support.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

- **Right to quality alternative care.** The poor living standards of children in residential care facilities include limited access to proper accommodation, diet, hygiene, health care, and educational services (OMCT, PH-MDF, and HRIDC, 2007). Children in residential care facilities often lack emotional support. Unqualified and underpaid staff cannot take adequate care of their development needs. Residential care facilities are often located in socially under-developed areas with poor infrastructure and services.
- **Right to employment and adequate housing.** The lack of service provision to children before and after leaving care is problematic; they are not provided with housing, qualified career advice, or counselling.
- **Right to education.** Access to quality education, professional development services, and job counselling is limited, especially for young people living in rural areas, where the majority of fostered children live. State support is limited to care leavers' studying at higher education institutions and vocational training centres.

6. OFFICIAL DATA SOURCES

Data can be obtained from the National Statistics Office of Georgia (Geostat, n.d.).

7. RESEARCH ON TARGET GROUPS

No research has been conducted on young people ageing out of care in Georgia.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Improving the legal framework

- The government should develop a national strategy for young people ageing out of care that will incorporate a gradual transition from care to independence.
- The capacity and the role of local governments in after-care service provision should be improved.
- To improve the leaving care services for youths in residential care facilities, the government should consider stepping up the engagement of qualified social workers, for example in designing obligatory individual development plans for youths who are preparing to leave care. It is important to train facility personnel and childcare staff to respond better to the developmental needs of children.
- The government should continue needs-based foster care payments until the age of 21 to ensure that young persons have enough time to prepare for an independent life; the government should also provide support to the families that have taken on this role.

Improving the services and practice

- Successful transition from care to independence should incorporate provisions for quality education, health care, employment, housing, and income support.
- Additional services should include the provision of various housing options for care leavers, such as payment of rent, employment counselling, and employment assistance services. Young people should also be informed about where they can access such assistance.

Providing better data

- To close data gaps, information should be collected on indicators of young people's development and well-being (such as educational level, employment status, income of care leavers, availability of accommodation, and engagement in criminal activities); this information should be fed into a unified database on care leavers.

KEY CHILD AND YOUTH CARE TERMS

Alternative forms of child care. This term is not defined in the national legislation but is used in Georgia to refer to all care arrangements that are alternatives to large residential care facilities (including boarding schools).

Children under state care. Children who are placed in state-run care facilities such as orphanages, boarding schools, and day care centres.

Children deprived of parental care. Anyone under the age of 18 whose parents are recognized by the court as legally incapable, lost, or deceased or whose parents have been deprived of their parental rights or restricted in the use of their parental rights by legal proceedings.

Foster care (*mindobiT agzrda*). Care placement of a child with a person or family, usually by governmental services. Foster parents do not have custody, nor is adoption an option, but they are expected to treat the foster child as they would their own with respect to food, housing, clothing, and education. Foster parents are paid by governmental bodies.

Residential care facilities. State-run and legally registered entities (as defined by Article 5 of the Law on Social Assistance).

Small-group home (*mcire saojaxo tipis saxli*). Family-style care for a maximum of eight children aged 0 to 18 years. The stay of a ninth child is possible in emergency situations and for a short period of time, usually two months.

¹ This chapter is based on Partskhaladze (2008) and reflects information available up until December 2009.

² Data provided by the National Statistics Office of Georgia; see Geostat (n.d.).

³ Twelve young people from Kutaisi were not included in this data as they had recently left the youth facility and their modest educational and employment levels may have distorted the picture.

⁴ Data for 2008 provided by the Ministry of Education and Science.

⁵ In some areas, domestic violence accounts for up to 30 per cent of placement cases.

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KYRGYZSTAN¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE AGEING OUT OF CARE

In 2009, Kyrgyzstan's population was estimated at 5,418,300 and the total number of children under 18 in Kyrgyzstan was 1,938,858, representing around 35 per cent of the total population.²

Children and young people in alternative care

There is a dearth of information regarding children without parental care, partly because of the lack of a monitoring and evaluation system, the low priority accorded to childcare by the local and central authorities, and the fact that childcare providers—whether state agencies or non-governmental organizations (NGOs)—do not feed their information into a centralized system. The lack of clear, unique definitions for the relevant terms also hampers efforts to gather comparable data.

Data provided by the National Statistical Committee shows that in 2008:

- 1,809 children were deprived of parental care.
- 1,451 children were living in residential care facilities.

The Child Protection Department under the Agency on Physical Culture, Sport, Young People's Issues, and Child Protection published the following figures in 2008:

- children adopted nationally: 756.
- children adopted internationally: 50.
- children living in boarding schools: 3,896.
- children living in other special facilities: 266.
- orphaned children: 4,403 (for 2009).
- children who have lost one parent: 34,568.

These figures do not correspond with the figures provided by the National Statistical Committee.

In Kyrgyzstan, children are left without parental care due to: extreme poverty of their families of origin, unemployment of the parents, economic migration of the parents, divorce or breakdown of the family, diseases of the child or of one of the family members, illegitimate children, under-age parents, domestic violence, alcohol or drug addiction of the parents, death of the parents, annulment or limitation of parental rights, long-term absence of parents, or abandonment by parents.

Young people ageing out of care

There is almost no data available on 15–18-year-olds ageing out of care.

Profiles of young people ageing out of care

Vulnerable groups of young people ageing out of care include homeless and neglected children, orphans, and working and street children. These groups have emerged as a consequence of the lack of an effective youth policy, poverty, unemployment, and falling educational standards. They are often involved in the informal sector of the economy, where salaries are low and employers ignore labour legislation, providing unsuitable working conditions and disregarding occupational safety laws. Young people who age out of care—generally between the ages of 15 and 18—are socially disadvantaged and ignored.

Young people ageing out of care face a variety of problems. Some do not have a place to call home; others do not know what jobs they want or how to survive. They often lack goals and have no sense of how to play a useful role in society. Kyrgyz authorities have only recently begun to establish a rehabilitation and adaptation system and infrastructure; as yet, there is no unified or generally accepted terminology, nor have legislative instruments or educational and development programmes been drawn up.

Paths taken by young people ageing out of care

The current economic situation—characterized by rising unemployment, increasing poverty rates, a lack of competitive enterprise, and inflation—exacerbates the problems of young people ageing out of care.

While they are in care, 15–18-year-olds have guaranteed access to social services, health care, and education (including basic vocational training), monthly social payments (KGS 208,³ or EUR 3.50), and support for clothes

SAMARA, 18 YEARS OLD

When she was younger, Samara used to live with her three younger brothers and her younger sister in an SOS Children's Village. Her mother was in prison, which is why Samara and her siblings were placed in care. When she finished school, Samara left the care of SOS Children's Villages to live semi-independently in her own flat. She was lucky to find a job immediately after leaving care. She was earning enough to meet her needs.

After some time, Samara's mother returned from prison and took back Samara's siblings, who were still minors. After visiting her family and seeing their poor living conditions, Samara felt responsible for them and began to support them—especially her siblings—as much as possible. When her mother was again taken to prison because she had neglected her children, the siblings were all transferred to residential care.

Soon after that, the oldest of the brothers turned 18 and had to leave the care facility. He did not receive any support apart from Samara's and now they both live in her flat. Money is very tight, and although Samara is trying to find a solution, the government has not been helpful and does not provide them with any kind of support.

and food, as well as accommodation in dormitories. Once they turn 18, however, the government no longer provides these services. Nevertheless, they have the right to access social services that are guaranteed by the government for citizens and families with moderate resources.

Children who have lost both of their parents receive the following three kinds of support when they attain majority:

- instead of active military duty, they may sign up for alternative service (usually within business or civil entities);
- they are provided with new housing or with a one-room apartment purchased on the secondary housing market; and
- if they enter higher education before turning 18, they can benefit from a scholarship and discounts until

graduation. This support is not provided if they enter higher education after turning 18.

Care services provided by the care and vocational education facilities do not meet children's or young people's needs. Living allowances set by the government according to available resources are unrealistic and the quality of care and education is poor. No individual psychological assistance is provided to children. The care process lacks clear and concrete goals and paths for achieving them.

Physical violence is a serious problem in childcare facilities (YHRG, 2008). Restrictive and prohibitive measures such as interdicts, punishments, violence, or threats of violence by the staff are the main approaches towards children and young people in care facilities.

The inefficiency of the care system causes care leavers to be unprepared for independent life. They lack life skills—including communication and analytical skills—and are incapable of assessing their situation, making decisions, or to taking responsibility. In addition, they lack basic needs such as housing and are not aware of their own rights. Young people who leave residential care facilities are especially ill-prepared: they are not able to manage a budget, prepare food, or run a household. They become dependent on the system, show little initiative, and hesitate to assume responsibility for their own future.

2. SHORT DESCRIPTION OF KYRGYZSTAN'S CHILD PROTECTION AND CARE SYSTEM

Main actors in the child protection and care system

The child protection system is fragmented and involves different ministries and state agencies. Responsibilities are distributed among ministries and agencies in charge of enforcing different child rights at the national and local levels. These institutions are:

- the **State Agency for Social Support** (ex-Ministry of Labour and Social Development), which deals with social payments to disabled people, including youths.
- the **Ministry of Health**, which is responsible for therapeutic services and for the care of children under four years of age.

- the **Ministry of the Interior**, which deals with children under age 18 who are in conflict with the law.
- the **Ministry of Education and Science**, which is responsible for children without parental care and children with disabilities.
- the **Ministry of Labour, Employment, and Migration**, which runs rehabilitation groups in 17 vocational lyceums.

Each entity develops its own strategy on childhood issues and carries it out through its own departments.

The basis of the welfare system for children without parental care consists of residential care facilities, rehabilitation centres, **family and child support units**, and local self-government bodies. These entities no longer provide services to young people who leave the facilities or who attend vocational lyceums. Cooperation and the sharing of responsibilities among these care providers must be improved for better service delivery.

A Child Protection Department was created under the Agency on Physical Culture, Sport, Young People's Issues, and Child Protection. This department is now under the Ministry of Labour, Employment, and Migration.

Types of care setting

There is no definition of alternative care in existing legislation. However, some types of care are envisaged by the Family Code of the Kyrgyz Republic, which states:

Children without parental care are to be entrusted to be cared for by a family (adoption; guardianship or trusteeship; foster home); and, in case of a lack of opportunities as listed, children are transferred into children's institutions for orphaned children and for children without parental care (educational facilities, institutions aimed at social protection, patient care institutions, and the other facilities). Other forms of care can be foreseen by legislation for children without parental care.⁴

Care services are provided by state and private organizations. The state finances residential care only.

- Residential care
 - children's homes and boarding schools.
 - special secondary schools for children with mental disabilities.

- special boarding schools for children with special needs (blind and deaf children, children with severe speech disturbances).
- child psycho-neurological boarding schools, such as the Belovodsk psychoneurological boarding schools, the Jalal-Abad psychoneurological hostel, and specialized houses for children with cerebral affection and mental disorders.
- Ivanovka Child Mental Hospital.
- Belovodsk special secondary boarding school for children and young people.
- the Kyrgyz State National Lyceum Dilyara Asanova.
- the Centre of Social Adaptation and Rehabilitation for Juveniles (under the Ministry of Internal Affairs).
- boarding institutions for custody in the cities of Bishkek and Osh.

Some of the care services provided by the Orthodox, Muslim, or Baptist religious organizations are also residential, including the Motherhood and Childhood Centre, the Kuwait orphanage for girls, and Al' Ridwan Body, a mosque-orphanage for boys.

- Family-style care. These services, provided by NGOs, are an alternative to residential state care.
 - foster families.
 - SOS families.
 - family-type children's homes.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care

The legal framework for the child and youth welfare system is laid out in the following acts:

- the new Constitution, adopted by referendum in June 2010.
- the Civil Code of 1996.
- the Family Code, which determines alternative care for children without parental care.
- the Child Code, adopted in 2006, which introduced major reforms in the field of childcare. It confirms the fundamental rights, freedoms, and legal interests of children.
- the Code on Administrative Responsibility.
- the Labour Code.

- the Law on Ratification of the Convention on the Rights of the Child.
- the Law on Universal Service of the Citizens.
- the Law on Education.
- the Law on Fundamentals of the State Youth Policy.
- the Law on Social and Legal Protection from Violence in the Family.

The work of residential care facilities is based on the by-laws On Boarding Schools (1995) and On Family-type Children's Homes (1998). There is currently no law or regulation on foster care, but a draft regulation has been proposed.

The following state programmes were approved by decrees of the president and are relevant to young people ageing out of care:

- 'New Generation', on the realization of children's rights, describes deinstitutionalization and the development of family-style care services (until 2010).
- 'Human Rights' (2002–10).
- 'Young People of Kyrgyzstan' (until 2010).

The government also issued a decree entitled On Approval of the Regulation of Sub-accounts for Orphaned Children (without both parents) as a special account of the House-Building Department under the State Agency on Architecture and Construction.

Key legal provisions regarding preparation for leaving care and after-care support

Young people aged 15 to 18 in care facilities have legal guarantees for:

- access to prostheses and medical supplies.
- access to common secondary education and initial vocational education.
- a monthly social scholarship (KGS 208, or EUR 3.50).
- support for clothes.
- three meals a day.
- accommodation in a dormitory.

Nevertheless, many violations of these rights have been reported. Some children who have lost both their parents are not provided with housing; some youths in care receive only half of the monthly social scholarship, which is not enough for ensuring access to proper educational services.

For 15–24-year-olds in alternative care, provisions vary according to whether the young person has a disability, has completed his or her education, belongs to a minority, and other factors.

Young people without parental care aged 14 to 18 can be taken under guardianship by an adult. For young people with limited abilities, the guardianship may be officially extended, depending on the diagnosis.

Most of the children and young people in children's homes receive basic compulsory education (nine grades) and then some move to vocational schools and continue under state care.

Young people without parental care who do not attend secondary education and are not registered under the state provisions (such as 'street children') are excluded from the care system. NGOs and newly created Child and Family Support Departments include them in their programmes.

Identified gaps

The legal system does not regulate the status of youths after care. A young person who turns 18 is expected to care for him- or herself.

While there is legislation regulating the employment, education, and upbringing of students, there is no policy concerning them in general and their job placement in particular. The labour and tax legislation regulates only employment relationships between youths and employers. There are no provisions or mechanisms stimulating the development of institutional relations between employers and youths leaving care. There is only a provision in the tax code allowing the amount spent by employers on training and retraining their employees to be deducted from taxes; however, there are no mechanisms for enforcing the provision.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

Young people in the last year of vocational schools receive training in life skills such as running a household

and managing a family budget. After they turn 18, such services are no longer provided.

Kyrgyzstan has 17 vocational lyceums that organize educational activities and provide training in social and professional skills for certain categories of vulnerable children. The lyceums provide a primary vocational education. Youths who turn 14 receive three years' education; teenagers who do not have a basic education (nine grades) are enrolled into groups for one or two years, but they do not go on to general secondary education.

The following services and payments are provided to rehabilitation group students:

- free accommodation in dormitories.
- monthly social grants (KGS 208, or EUR 3.50).
- as at 1 January 2008, the daily allowance for food was raised from KGS 30 to KGS 50 (EUR 0.50–EUR 0.85).
- as at 1 January 2008, the lump sum paid to care leavers rose from KGS 1,000 to KGS 3,000 (EUR 17–EUR 50).
- a medical allowance of KGS 200 (EUR 3.35) per student per year, and from 1 January 2008.
- KGS 1,800 (EUR 30) per child per year is allocated to the vocational school.

After-care services

After leaving care, young people have access to a range of services that are available for other categories of adults as well.⁵ Consequently, they have access to services such as social assistance in their community administrative office, material support, consultations, social rehabilitation, pensions, support in entrepreneurial activities, legal services, pedagogical and psychological services, and medical services.

In addition, care leavers 18 and older have access to more specialized services and provisions, such as:

- legal support. The legal advice office Adilet provides care leavers with free legal consultations and offers legal advice for 14–18-year-olds who are in conflict with the law.
- support for continuing education.
- housing in care facilities while care leavers finish their vocational training.
- a one-time grant of KGS 3,000 (EUR 50).

- fee reductions while studying at university.
- discounts and waivers of school fees.
- assistance finding employment. The youth labour exchange provides care leavers with free job-seeking services.
- housing services are provided by SOS Children's Villages Kyrgyzstan for the children under its care. Such services are also provided by the Child Protection Department and rehabilitation centres.

Identified gaps

The care system suffers from obsolete infrastructure, a lack of educational equipment, a shortage of qualified teaching staff, and outdated training material.

The care system generally fails to teach young people the social and professional skills they need to be able to transition to an independent lifestyle. It also fails to ensure that care leavers attain adequate literacy and educational levels.

While one positive example of state support has been the opening of a social hotel for the graduates of the rehabilitation group of Vocational Lyceum N.18, young people without the requisite *propiska* (housing registration) have limited access to state services.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

Young people ageing out of care are poorly prepared for independent life. They need better guidance regarding housing, nutrition, employment, health care, social protection, and various other matters. In this context, their rights are routinely violated.

- **Right to information.** Care facilities and relevant departments do not inform children and young people about their rights and responsibilities while in care or about after-care services available to them once they leave.
- **Right to employment.** Although the government has set an official quota for the number of care leavers to be employed, few organizations facilitate their employment and most care leavers lack access to mentors. Young people leaving care have limited professional

skills and are thus less competitive in the labour market than their peers.

Vocational schools do not monitor what professions are in demand. Their graduates have limited opportunities to get well-paid jobs or to start their own businesses.

- **Right to education.** There is a lack of centralized data on young people without parental care who attend secondary schools and pursue higher education; however, available research indicates that they encounter more difficulties in the application processes than do their peers.

Professionals from childcare facilities often use traditional, group-oriented educational methods. There is little interest in a more personalized, individualized approach and initiative is seldom promoted.

- **Right to adequate housing.** There is a lack of resources to provide housing. Young people who own properties receive little support on how to manage them properly. Some have even lost their property as a result of fraud and abuses carried out by relatives or employees in the local administration.

- **Right to quality alternative care.** Care facilities often ignore hygienic standards and the local administrations fail to monitor them. The number of children accommodated in one room is higher than allowed and the nutrition of young people in care is inadequate.

Children and young people do not always have proper access to social and psychological support, even when they are entitled to it.

Most young people in care do not have an individual development plan. In the absence of such a plan, the childcare system fails to offer them information that is future-oriented and does not adequately prepare them for independent life. In addition, there is no definition of ‘independent life’ or of the minimum skills required for successful social integration.

- **Right to participation.** Young people’s opinions are not sufficiently taken into account in the care process. Representatives of state care facilities often espouse paternalistic views according to which children need

not be involved in any decision-making. Child participation is generally a topic of low importance on the childcare political agenda.

6. SOURCES OF OFFICIAL DATA

The following sources provide official data on children and youths in care:

- the National Statistical Committee.
- the Child Protection Department under the Agency on Physical Culture, Sport, Young People’s Issues, and Child Protection.
- local Commissions on Child Issues.
- local Departments of Child and Family Support (currently being developed).

7. RESEARCH ON THE TARGET GROUP

The situation analysis of young people ageing out of care in Kyrgyzstan compiled by Bolot Dyikanov and Sheradil Baktygulov for SOS Children’s Villages Kyrgyzstan in 2008 was the first study carried out on the target group in Kyrgyzstan.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

It is necessary to re-examine the childcare system, to update it, and to create space for new approaches. It is also necessary to define concrete success indicators for the care process and for social integration.

Improving the legal framework

- The legal age for after-care services should be extended.
- A legal framework should be drawn up for the period of transition from care to independent life, enabling young people to find a job and to secure housing.
- Common definitions of terms relevant to the child welfare system should be introduced into laws governing care issues so as to facilitate the monitoring and evaluation process.

Improving the policy, services, and practice framework

- Standards of quality care should be developed for care

providers. These should include preparation for leaving care and the provision of after-care services.

- Additional services should be developed to support young people leaving care, including:
 - legal services (by a specialist on family law, care, and housing law).
 - care services by official social workers, who track a child’s progress based on the child’s individual development plan.
 - career advice, consultations on planning a personal budget, business management, critical thinking, development of life skills, and social and communication skills.
 - employment services.
 - registration services.
 - social and psychological support and adaptation services.
 - support services on credits for graduates of care systems on condition that they submit reasonable business plans.
 - information services concerning political, social, and economic processes in the country.
- A ‘mentoring’ model for young people leaving care should be introduced.
- New standards for quality care should be introduced, including:
 - an obligation to create individual development plans, which should include measures for preparation for independent life.
 - an appropriate balance between state support and personal commitment in the life arrangements of young people leaving care.
 - obligatory consideration of the opinions of young people when planning for leaving care.
 - an obligation on the part of all care-providing organizations to report regularly on the situation of young people leaving care.
- The roles of the newly created Department of Child and Family Support should be defined and strengthened regarding preparation for leaving care and after-care support.
- A website should be developed to inform young people who are in care and who have left care about available support.
- Efforts should be made to raise public awareness of the problems of young people with care experience.
- Cooperation should be improved between the primary

vocational training system and employees so that better job opportunities for care leavers can be identified.

- Procedures should be introduced to allow regular medical examinations of young people who have left care.
- The Department of Child and Family Support should bear more responsibilities regarding the implementation of legal provisions on housing for young people leaving care, including the protection of the private propriety of young people in care.

KEY CHILD AND YOUTH CARE TERMS

Children without parental care. Children who have been deprived of their biological parents due to: the death of parents, annulment, limitation of parental rights, consideration of parents as legally incapable of taking care of their children, serious illness of parents, long-term absence of parents, or abandonment (as defined with by Article 126 of the Family Code).

Family-type child home. Care placement of children without parental care with state-approved couples or individuals who take care of a small number of children. The difference between a family-type child home and foster care is not clear (as defined by Article 2 of the Child Code).

Foster care. Care placement with a family that provides a child with guardianship or trusteeship until the child is 18. Foster care regulations are currently being developed. The definition of foster care in the legislation is unclear (as defined by Article 2 of the Child Code).

Guardianship and trusteeship. Legal form of protection of the rights and interests of minor children and other persons who have been declared as incapable or partially incapable of caring for themselves. The guardian is obliged to live with the child. Trusteeship applies to children under 14; guardianship applies to 14–18-year-olds (as defined by Article 2 of the Child Code; articles 151 and 157 of the Family Code; and article 71 of the Civil Code).

Providing better data

- The means of monitoring and evaluating the care system should be improved.
- The roles and means of cooperation among different institutions responsible for monitoring and evaluating the situation of young people leaving care must be clarified.
- Reports should reflect current information.

Identify new research issues

- Research should be conducted to define the amount of financial support needed for young people leaving care.

POLAND¹

1. TARGET POPULATION OF CHILDREN AND YOUNG PEOPLE AGEING OUT OF CARE

In 2009, Poland's population was about 38 million, 5.9 million (15.5 per cent) of whom were children under 15 and 8.5 million (22.4 per cent) of whom were 19 or younger (GUS, 2009). One in three children in Poland is at risk of extreme poverty, the highest rate in the European Union.

Children and young people in alternative care

Most children without parental care are placed in foster care or kinship care. While the rate of foster care increased significantly over the last years, kinship care remains the most common form of family-based care. Yet although kinship care allows many children to maintain ties with the family of origin and to remain in a familiar and trusted family environment, relatives such as grandparents often need welfare support and benefits and will not receive extra support for the care of children. They receive some small financial support but no salaries.

In 2008, 4,895 children lived with non-relative professional foster families, more than double the number in 2000 (GUS, 2009). For the same year, the **Ministry of Labour and Social Policy** provides the following (differing²) data:

- 65,624 children were living in family-based care of all types.
- 48,450 children were in kinship care.
- 10,134 children were living with foster families; of these children, 7,371 were living with professional non-kin foster families. Of the latter group, 3,370 were in multi-children foster families, 278 were in specialized foster families, and 3,785 were in short-term family-type (emergency) placement.

According to the Ministry of Labour and Social Policy, in 2008, there were 30,296 children in residential care

facilities—whether run by local government or other bodies such as non-governmental organizations (NGOs), churches, or religious organizations. Of these children, 2,226 were living in small-group homes. For the same year, the *Concise Statistical Yearbook of Poland 2009* gives different data for the same group of children. It estimates that there were 19,271 children in residential care facilities (boarding care and educational centres), of whom 1,859 were living in small-group homes (GUS, 2009).

Yet another set of data for that year comes from the Ministry of Justice, which reports that 24,006 children were placed in various types of residential care facilities by court decisions. Of these children, 2,364 returned to their families of origin, 948 moved to live with foster families, and 115 moved to small-group homes.

Young people ageing out of care

Almost 21,000 14–18-year-olds are in foster care, while 9,500 young people over 14 live in residential care facilities, of whom 801 live in small-group homes and 407 are short-term placements.³ There are 744 young people over 18 in residential care facilities and continuing their education.

In 2008, 5,184 young people in foster families turned 18. Of them, 3,092 remained in foster care after turning 18; 2,906 of them continued their education and 77 fulfilled their individual plan for leaving care and began to live as a so-called 'self-reliant persons'.

That same year 2,056 children left their foster families. Among them, 1,093 became self-reliant and 963 left as 'non-self-reliant persons', as defined by the care leaver's individual plan for leaving care. Of the self-reliant persons, 771 started their independent life and began to run their own households, whereas 212 returned to their families of origin. There is no data regarding young people who turned 18 in previous years but stayed in foster families.

Also in 2008, 2,064 youths over 18 left residential care facilities; 1,793 of them lived as self-reliant persons and 271 left as non-self-reliant persons. Of the self-reliant persons, 1,000 returned to their families of origin and 793 began to run their own households.

¹ This chapter is mainly based on Dyikanov and Baktygulov (2008).

² Data provided by the National Statistical Committee of the Kyrgyz Republic.

³ The Kyrgyzstani som is the national currency of Kyrgyzstan.

⁴ Family Code of the Kyrgyz Republic (Art. 128).

⁵ These categories include families with many children, single parents, families of under-aged parents, needy student families, families having children with special needs, single mothers on maternity leave, citizens suffering from drug or alcohol addiction, citizens suffering from incurable illnesses and HIV-infected people, persons living in special educational facilities, and persons who were subjected to radiation accidents.

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Profiles of young people ageing out of care

At this writing, there was no centralized information on how many care leavers continue their education or find employment. Such information could be gathered from qualitative research on individual plans for leaving care.

Research shows that young people who leave care are often subjected to prejudice and presented in a pitiful way, especially when they age out from a residential care facility.⁴ Compared to their peers, care leavers tend to lack a variety of social, analytical, and professional skills; having relied on cafeteria-style meals, they generally do not have an appreciation of healthy nutrition. Yet some facilities conduct a group programme entitled ‘I Will Be Adult Soon’ for children 14 and over who wish to take part (see below).

Paths taken by young people ageing out of care

Upon turning 18, many care leavers lack professional skills and are not attractive candidates in the labour market.

JOSEF, 20 YEARS OLD

Josef was 10 years old when he was placed in a residential care facility, where he was one of about 50 children. On each of the two floors, 25 children shared a common bathroom and were supervised by four caregivers. When Josef turned 18 he left care and moved into his girlfriend's flat. He had met his girlfriend in the facility; she already had a good job and was studying at the university.

After a while Josef realized that he wanted his own flat and soon he and his girlfriend separated. Yet Josef did not have enough money to afford living on his own; the salary from his part-time job was only enough to pay the school fees.

He knew that he urgently needed help. One evening after getting home from school, he wrote a letter to the local mayor. After two weeks, the city government replied telling him that he had the right to apply for subsidized housing. Nobody in his residential care facility had informed him about this right.

Limited communal housing resources mean that care leavers have to wait an average of three years for housing, and sometimes much longer. The quality of housing provided by communes is often low. The housing situation is better in Warsaw than elsewhere in Poland. Nevertheless, in one of the districts of the city, care leavers receive housing in apartment blocks, which leads to a concentration of care leavers, who sometimes risk forming a ‘ghetto of care leavers’.

Care leavers often lack the maturity and skills needed to run a household alone. Respondents of a survey conducted for this study thus underlined the importance of ‘supervised housing’.

Owing to the limited financial support, care leavers have to work while continuing their education. In order to hold down jobs, they are often forced to give up their regular studies (which are usually free of charge) and opt for evening or weekend courses, for which they must pay.

2. SHORT DESCRIPTION OF POLAND'S CHILD PROTECTION AND CARE SYSTEM

Main actors of the child protection and care system

The Polish social welfare system went through a profound reform in the 1990s, along with the administrative, public finance, and educational systems. The Ministry of Labour and Social Policy was charged with alternative care responsibilities, which had been assigned to the Ministry of Education before the reforms. The Ministry of Labour and Social Policy is in charge of creating a law dedicated to the social assistance system.

Poland's 16 provinces are subdivided into districts, which in turn consist of communes. The districts and the communes are responsible for the implementation of social assistance. Each district chief runs a **District Centre for Family Support** and is tasked with social assistance duties—such as identifying and addressing community needs—as stipulated in Article 19 of the Social Assistance Act. Duties relative to leaving care are also vested in the district chief, as is the responsibility for supervising educational standards, the quality of care and the quality of education (Kaczmarek, 2007, p. 179).

With respect to alternative care, the **local government** is in charge of:

- transforming state-run care facilities into smaller ones of no more than 30 beneficiaries by 31 December 2010 (deinstitutionalization).
- developing family-type care (small-group homes and foster families).
- overseeing social work dedicated to the reunification of a child with his or her family of origin.

Types of care settings

The Ministry of Labour and Social Policy has identified the following types of alternative care in Poland:

Types of family-based care:

- kinship care.
- three types of foster care:
 - unpaid foster parents.
 - professional foster families, including specialized foster families (who care for children with physical or mental disabilities or special social needs)⁵.
 - short-term emergency foster family placement.

Types of residential care:

- a 24-hour shelter dedicated to emergency intervention.
- small-group homes.
- socializing centres, formerly known as children's homes.
- multi-functional facilities, which are also equipped to undertake interventions.

The Social Assistance Act provides that children and youths with mental disabilities may be placed in dedicated social welfare homes. Under-age single mothers may be placed in facilities for single mothers. Alternatively, young people without parental care may be placed in special educational centres, youth centres for 24-hour counselling, correctional facilities, or other care-providing facilities.

3. LEGAL AND POLICY FRAMEWORK

The system of alternative care in Poland is defined by the Social Assistance Act.

Legislation and policy on child and youth care

The legal framework for alternative care is defined by the following Acts:

- The Constitution of the Republic of Poland safeguards child rights and family rights in Articles 18, 48, 71, and 72.
- The Social Assistance Act of 2004, along with other regulations of the Ministry of Labour and Social Policy, defines ways to assist children and families that enable them to rebuild relationships and the attachment between children and parents. It seeks to reinvest parents with their authority over children and to protect a child's right to live or be reunited with a family, understood mainly as the child's family of origin. Families that face difficulties fulfilling their duties and children of such families are guaranteed counselling, therapy, care, and education outside the family. The Act stipulates that children may be placed in residential care facilities only as a last resort, if neither the family of origin nor foster care are options. It also provides for the right to assistance related to leaving care (Article 70). Upon majority (18 years of age), care leavers are guaranteed financial assistance designed to assist them in transitioning to an independent life, to continue their education, and to find work, secure housing, and purchase essential household supplies (Article 88).
- The Family and Guardianship Code provides the basis for court intervention in parental authority and specifies the types of possible interventions (Articles 109–13).
- The Treatment of Minors Act provides the basis for courts to place a child in a care facility or foster family.
- The Civil Code regulates contracts between district chiefs and short-term emergency placement facilities.
- The Old-Age and Disability Pensions from the Social Insurance Fund Act defines the rules governing family pension payment and criteria to determine payment for a child's stay in a care facility or foster family.

Key legal provisions regarding preparation for leaving care and after-care support

The Social Assistance Act (Articles 88–90) and the Regulation of the Ministry of Labour and Social Policy of 23 December 2004 (Polish Journal of Law No. 6/2005) define the legal framework for support to persons who are becoming self-reliant, continuing their education, and beginning an independent life.

Article 88 of the Social Assistance Act defines the assistance dedicated to becoming self-reliant and describes the categories of beneficiaries of such support. Assistance is available to persons 18 and over and living in a form of alternative care.

Section 1 of Article 88 states that assistance shall be provided to persons who were placed in alternative care for at least one year following a court ruling and who are committed to implementing their individual plans for leaving care. Support might be financial, material, or related to housing, education, or employment (see below).

Financial support

Article 89 of the Social Assistance Act specifies rules on financial assistance dedicated to becoming self-reliant, the continuation of education, and the purchase of essential supplies. This assistance is conditional on financial need; that is, members of the recipient's family must be unable to provide for his or her living expenses.

A young person willing to receive financial assistance needs to apply for it in the district in which he or she lived before entering alternative care. The amount granted depends on the time spent in care and on the kind of alternative care.

Individuals who leave non-kin foster care, socializing centres, stationary social welfare homes for disabled children and youths, or homes for mothers of minors and for pregnant women are entitled to 100–400 per cent of the 'basis' of PLN 1,647 (EUR 410), as follows:

- 100 per cent for care leavers who spent one–two years in care.
- 200 per cent for care leavers who spent two–three years in care.
- 400 per cent for care leavers who spent more than three years in care.

Individuals who leave kinship care, shelters for minors, correction centres, special education centres, youth education centres, youth centres for 24-hour socio-therapy, or education centres are entitled to 100–300 per cent of the basis, as follows:

- 100 per cent for care leavers who spent one–two years in care.
- 200 per cent for care leavers who spent two–three years

in care.

- 300 per cent for care leavers who spent more than three years in care.

Material support

Material support may consist of such items as reconstruction and housing materials, home utensils, and other equipment. The maximum material support possible amounts to 300 per cent of the basis per month (PLN 1,647, or EUR 410). As is the case with financial assistance, the beneficiary's commitment to implementing an individual plan for leaving care is key to receiving assistance.

Housing support

Housing assistance consists of:

- enabling care leavers to live in 'supervised housing' for a limited time with the obligation to pay part of the rent.
- full or partial financing of room rental.
- helping the beneficiary receive social housing from a commune.
- enabling the beneficiary who is pursuing an education to live in a boarding school (for pupils) or securing full or partial payment of housing expenses (for students).

Education support

Benefits earmarked for the continuation of education are constant and amount to 30 per cent of the basis per month (PLN 495, or EUR 120). Young people receive the education benefit only during the school or academic year and not during the holidays. The financial support terminates on the 25th birthday of the beneficiary and does not continue until the end of a school year.

Employment support

The Social Assistance Act (Art. 88) states that care leavers are entitled to assistance in seeking employment, but such assistance is described neither in the Act nor in supplementary regulations. Access to this service thus depends solely on the young person's guardian and social worker. Guardians can play an important role by motivating the care leaver to learn proper skills, pursue an education, and seek employment (Andrzejewski, 2006, p. 230).

Individual plan for leaving care

An individual plan for leaving care is a social contract between a person who is becoming self-reliant and the District Centre for Family Support. It constitutes the basis

for financial assistance to the prospective care leaver by the District Centre.

The plan is prepared at least one month before the young person turns 18. It is prepared by the young person and a guardian, assisted by a District Centre for Family Support worker, and validated by the head of staff. The plan should include information on support to the care leaver in terms of his or her contacts with the family of origin, ways to acquire professional or vocational skills or education, assistance in finding employment and housing (in 'supervised housing' or a so-called social housing unit to be provided by law by the commune), and help in acquiring state health insurance. Duties of the young person have deadlines and not meeting a deadline may lead to refusal or suspension of financial assistance. The young person must also sign a declaration stating that the assistance money will be spent on crucial needs, such as finding proper housing, education, or vocational training or the creation of conditions enabling employment. The declaration is added to the plan.

The future care leaver usually chooses a guardian at least two months before turning 18. The District Centre head of staff has the right to refuse the candidate proposed by the young person. The guardian voluntarily cooperates with the person's family, school, or employer. If the guardian does not fulfil his or her duties, the young person has the right to lodge a complaint with the District Centre.

Identified gaps

The legal framework for care leavers has the following weaknesses:

- Financial assistance for continuing education finishes automatically once the young person turns 25, even if he or she has not yet completed the academic year.
- Financial assistance for education is not paid during the holidays.
- After-care support is only mentioned in the law, but no provisions have been drawn up.
- State authorities are not required to provide vocational training, professional counselling, or courses to develop life skills even though Article 70 of the Social Assistance Act highlights a child's right to help in becoming self-reliant.
- Preparation for leaving care starts only two months before the young person turns 18.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

Some facilities conduct a group programme entitled 'I Will Be Adult Soon' for children 14 and over who wish to take part. The goal of the programme is to familiarize children with the way official bodies work, teach them how to write applications and CVs, and assist them in filling out official forms. They are also taught family and sex education, how to run a household, and how to manage a family budget; they are encouraged to prepare meals on Saturdays and Sundays. Children aged 17 prepare to seek a job actively and write a CV and cover letter. Care leavers have access to counsellors who provide advice on schooling and employment; such counselling takes place in employment offices, is free of charge, and is available to all Poles. Alternative care facilities are not legally required to organize interviews with employment counsellors.

Care leavers may benefit from free vocational training and professional counselling provided by the employment offices. As noted above, however, care organizations are not required to facilitate contact with employment counsellors.

A recent report on care leavers finds that no respondents actually used any counselling when making decisions about their education (FBWNN and WCPR, 2008).⁶

Communal activities in care facilities—such as group meals and group shopping—and full service make it difficult for a young person to become independent (Bieńko, 2006, p. 131). In recognition of this situation, some care facilities initiated special programmes to support young people in becoming self-reliant. In these 'becoming self-reliant groups', children live outside their residential care facility with an educator. In the words of the headmaster of one facility:

They feel honoured and have more freedom, although they need to cater for themselves more, i.e. they need to wash their clothes for themselves, cook, shop, clean. They live among people. [...] They need to do these things earlier, in order not to get scared later on. Thanks to this solution it is easier for them to enter a normal, adult life in a mild way in the future (Bieńko, 2006, p. 132).

One drawback of such programmes is the limited number of beneficiaries. Research shows that only the most adaptable young people are chosen for such programmes. The ones who may require more assistance remain in their care facilities although they are the ones who have the greatest need for support.

As noted above, duties related to alternative care and departure from care are vested in district authorities (and, in some rare cases, in commune authorities). These services can be financed through the Operational Programme Human Capital, activity 7.1.2 of the European Union Fund.

The Warsaw social services run an ‘Integration for Self-reliance’ project dedicated to young people aged 15 to 25. They practice life skills that support them in becoming self-reliant, receive professional counselling, and attend individual and group meetings with a tutor, who also provides emotional support. Participation is voluntary.

In Lodz, a Centre for Support of Development has been established. It focuses on helping young people become independent through professional development and assists them in finding employment. The Centre targets young people who are old enough to become self-reliant as well as youths under 16.

Such programmes are also run by NGOs, churches, and religious associations. NGOs run the following programmes designed to prepare youths to leave care:

- ‘Homes for Children’ are run by the Our Home Association. For instance, two such homes in Krakow host 12–18-year-olds. The homes are provided by the commune; they focus on work with a young person’s family of origin. If young people return to their families of origin, the homes continue to work with the young people and the family.
- Children’s Villages are run by SOS Children’s Villages Poland. Four such villages exist in Biłgoraj, Karlino, Kraśnik, and Siedlce. They are non-public family-type facilities, where children live with their SOS families. After turning 16, a young person may move to an SOS youth facility. During their stay with SOS, young people learn how to run a household, how to deal with official bodies, and how to plan their education and pro-

fessional career. The educators focus their efforts on the emotional stability of young people. In 2009 there were 74 children and young people living in youth facilities.

- One children’s village is run by the Blizej Człowieka Foundation in Rajsko, near Oświęcim in southern Poland. The children live with their guardians (foster mother or foster parents) until they turn 18, when they formally begin to become independent. The guardians are assisted by psychologists, teachers, and social workers. Before turning 18, children acquire the life skills they need to become independent. The founders of the village were inspired by the family-based care model of SOS Children’s Villages.

After-care services

The following services are aimed at developing life skills and self-esteem:

- The ‘Integration for Self-reliance’ programme is run by the Warsaw Center for Family Support, which defines self-reliance as ‘the ability to cope with oneself and with others’. The programme addresses the ‘soft’ and ‘hard’ skills that help young people to achieve self-reliance. The ‘soft skills’ part consists of psychological aid to young people taking part in the project. Its aim is to minimize the effects of emotional deficits in the long term. The participants meet their tutors individually and work in groups supervised by tutors. The ‘hard skills’ part consists of individual professional or vocational counselling called the ‘individual path of professional development’; this path provides a basis for picking vocational courses most suitable to a given beneficiary. Young people can benefit from the training in ‘hard skills’ only if they acquired the ‘soft skills’. The programme includes an excursion meant to integrate the group. At this writing, 137 young people had taken part in the programme.
- ‘Vehicles of Self-reliance’ is a project of the Robinson Crusoe Foundation initiated in Warsaw in 2002. It functions as a nationwide project and targets 16–24-year-olds. One-year training sessions offer psychological support and further the development of life skills. The programme focuses on teaching communication skills, entrepreneurship, job search skills, practical life skills, and how to implement individual projects. Practical

training is provided by companies that cooperate with the foundation. Local communities are also involved in the project. The motto of the project is: ‘We will help you if you help others.’ Young people can benefit from the project on the condition that they help a person or an institution in the local community, for example by shopping for a senior person or taking care of a disabled individual. The goal is to foster a healthier sense of self-esteem and an appreciation of the influence a young person can have on his or her community.

- The ‘Centre for Support of Development’, run by the Academy of Management in Lodz, offered professional support in 2009 for about 200 young people aged 16 to 24. The programme consists of counselling, training, and employment-seeking assistance. Support is offered by pedagogues, psychologists, as well as by an older care leaver who has already become self-reliant and now performs functions of a ‘peer mentor’. Candidates for ‘peer mentors’ undergo special training. Their task is to run an information centre in which they share their experience and knowledge of becoming self-reliant. The programme lasts one school year and ends with a camp, where participants receive training in social competencies, interpersonal skills, and group work skills and internalize social norms and values. Peer mentors have prepared a guide entitled ‘Good Start for Self-reliance’.

The following services seek to promote good practices to prevent unemployment:

- The U Siemachy Association provides its future care leavers with apprenticeship opportunities at the Witek’s furniture stores all over Krakow.
- Fundacja Bez Względu na Niepogodę from Warsaw runs a youth employment centre. The foundation organizes counselling for employment and runs a project addressing young unemployed women as well as young women who have left care.
- The Nasz Dom Foundation offers foster care in Lutol Mokry in western Poland. The foundation runs a ‘Social Enterprise Elevator’ that enables its participants to work for five months in a shop, on a farm, as carpenters, or as builders. The project is funded by the European Social Fund and employs up to 24 young people who have left care.

The District Centre for Family Support is in charge of providing housing assistance. Its assistance is limited to helping young persons apply for housing within a commune and to supporting that person’s application, as the commune may distribute housing resources as it sees fit. Housing resources are very limited, however. In addition, some care leavers are not able to run a household on their own, so that supervised housing is recommended. Some facilities own supervised apartments that may be sponsored by private donors or owned by communes; young care leavers may stay in such an apartment for up to two years. Other housing programmes include the following:

- Within a framework of ‘semi-independent living’ assistance, SOS Children’s Villages Poland provides a portion of the care leaver’s rent for up to three years. The housing service is provided on a case-by-case basis as agreed in a contract between the care leaver, the organization, and the housing owner. After three years, SOS Children’s Villages may help the care leaver to buy a small flat. Once the care leaver turns 23, SOS Children’s Villages Poland terminates its financial assistance, unless the person is disabled or a student. To benefit from this semi-independent living programme, care leavers have to finish school, learn a profession, and start working.
- In Stargard Szczeciński in northern Poland, the programme ‘For the Beginning’ is organized by the communal authorities, the district authorities, Stargard’s Society for Social Housing, and NGOs that assist young people who leave foster care. It provides financial assistance, 24-hour care facilities, and access to foster families. In the first phase of the programme, which lasts a maximum of three years, young people benefit from temporary housing with several bedrooms and bathrooms and a common living room and kitchen. In the second phase of the programme, individual care leavers move into their flat. Young people who are able to run a household from the beginning may move into their own flat right away.

Various types of legal assistance are also available, including the following:

- The Warsaw-based Association for Legal Intervention has a section dedicated to child and family assistance. The association offers legal advice to care leavers, foster families, family orphanages, and educational facilities; services are free of charge.

- The NGO Committee for Protection of Children's Rights has issued a youth-friendly booklet with legal guidance about becoming self-reliant. The NGO has local branches, each of which has a lawyer who provides free legal assistance for caregivers and care leavers (KOPD, 2009).

Identified gaps

- While children live in alternative care, insufficient social work is carried out with their families of origin. Children who return to their family of origin after leaving a residential care facility usually have a negative impact on the family's financial situation. As a result, they are often marginalized and prone to social exclusion.
- By law, young people leave the care system when they turn 18. Exceptions are made for individuals who continue their education if they started before turning 18. In such cases, they are entitled to care until they finish their education. In practice, however, many young people remain in foster care or small-group homes until they find a home of their own. Young people from residential care who are not continuing their education move to "supervised flats" or go back to their families of origin or rent a flat/room by themselves. They then wait for housing to be provided by municipalities (it can take from three to ten years depending on the region). Supervised flats are run by the municipalities or in some cases by the residential care facility. Supervised flats are partly subsidized by the municipality. The need for supervised flats exceeds availability.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

- **Right to adequate housing.** There is not enough housing available for young people leaving care, including supervised housing. Communes do not develop housing in proportion to the needs.

A 2001 Supreme Chamber of Control report on violations of care leavers' rights states: '[S]ometimes care leavers were deprived of funds to which they were entitled by law due to bad and narrow interpretation of regulations' (NIK, 2001). In response to this report, the Committee for the Protection of Children's Rights

implemented a project called 'The Beginning of Self-reliance' aimed at monitoring the use of public funds for young people leaving care as well as the efficiency of efforts to inform care leavers about the availability of such funds.

- **Right to information.** After the programme ended in 2009, the Supreme Chamber of Control released a report based on information from local governments and 40 care institutions. The report finds that violations of children's rights occurred in 40 per cent of the cases of young people leaving foster families and in 20 per cent of those leaving residential care facilities (NIK, 2009). The violations included the failure to produce or a delay in producing individual plans for leaving care and the failure to select or a delay in selecting a guardian to shepherd the process of leaving care (see below).

For the 2009 report, 157 young people from eight districts were interviewed. Their answers revealed that they lack a great deal of information regarding public services available to them. One of the local social service offices informed only half of the care leavers (52 per cent) about available financial assistance and their rights linked to this kind of assistance. Only 78 per cent of care leavers knew what was written in their individual plans for leaving care and only 28 per cent of them received a hard copy of the document, even though it is supposed to be written and amended by the youth, as needed.

- **Right to quality alternative care.** In 2008, the Supreme Chamber of Control published a report on the violation of rights of children and youths in care and of care leavers in 30 educational and care facilities. Its aim was to verify the level of implementation of relevant legal provisions, in particular their care and educational standards.

The report finds that none of the controlled facilities met all the standards enumerated in the regulation of the Ministry of Labour and Social Policy of 14 February 2005 on care and educational facilities (NIK, 2008). In half of the controlled facilities, the number of children and young people exceeded the maximum allowed by the regulation (which stipulates that up to 30 persons may live in a facility); 30 per cent of the facilities did not ensure proper night care; 20 per cent did not ensure proper day care;

and 17 per cent hired individuals who did not meet legal criteria for working in a care facility (NIK, 2008).

One of the main problems identified by the report was the placement of young people. According to court rulings, some of them should have been placed in facilities of a different kind, such as youth education centres or youth centres offering 24-hour socio-therapy services. The study reveals that in 27 per cent of care facilities, young people are exposed to aggressive and violent behaviour (NIK, 2008). These findings indicate that children and youths are placed in care and educational facilities due to improper conduct, educational difficulties, or depression; none of these reasons warrant placement in such facilities, in which children should be placed for care reasons only.

Many respondents said their rights had been violated regarding the selection of a guardian. Indeed, some District Centres for Family Support impose a guardian on young people. One respondent reported:

I have no idea if someone else might have been my leaving care guardian. She just showed up and told me she was my leaving care guardian and that she didn't know if I could have chosen someone else.

Leaving care guardianship is unpaid. If a young person chooses a worker from a District Centre for Family Support or a care facility employee, the choice means additional duties for the selected person (SWSPiZ, 2008, pp. 16–17; FRC, 2007, p. 52).

There is no procedure for the assessment of a guardian's work. There is no training for guardians and the quality of their work depends largely on their own enthusiasm and commitment (Sołtys, Piekarska, Śmilgin-Malinowska, 2008, p. 30). An unskilled guardian can be detrimental to a child's interests.

- **Right to employment.** The Social Assistance Act does not recognize apprenticeships as a continuation of education; as a result, young persons who undertake apprenticeships are not entitled to receive educational financial assistance. While apprenticeships often represent the only way to gain professional skills, care leavers may not be able to live on the monthly apprenticeship fee of PLN 180 (EUR 45).

There is no single, nationally accepted interpretation of the Social Assistance Act in terms of duties for helping youth become self-reliant. Duties performed by district authorities vary from district to district. The resulting ambiguity can have serious consequences for care leavers. A case in point, as reported by the Association for Legal Intervention, concerns a girl who chose to stay with her foster family after turning 18 to continue her education, as authorized by Article 78 of the Social Assistance Act. She wished to change schools in order to continue her education closer to her foster family's home. The District Centre for Family Support warned the girl that the change would mean the termination of her rights to educational support. Alarmed, the girl did not change schools but asked the Association for assistance. The Association has had to intervene in similar cases, notably when the District Centre for Family Support does not interpret the Social Assistance Act in favour of children.

6. OFFICIAL DATA SOURCES

Official data is available from the following sources:

- Ministry of Labour and Social Policy (<http://www.mpips.gov.pl>).
- Polish Central Statistical Office (www.stat.gov.pl).
- Ministry of Justice (<http://www.ms.gov.pl>).

7. RESEARCH ON TARGET GROUPS

The topic of leaving care has been the subject of recent studies, some of which are listed in the reference list at the end of the chapter.

A qualitative research study was also carried out by SOS Children's Villages Poland in 2009. In-depth interviews were conducted with 30 respondents, including representatives of the Ministry of Labour and Social Policy and local authorities, foster parents, social workers of facilities and welfare state institutions, NGO leaders, and young care leavers.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

This study echoes the findings of other research, namely that there is a need to improve both policy and practice with reference to the process of leaving care.

Improving the legal and policy framework

- A description of after-care services should be included in the Social Assistance Act.

Improving the services and practice framework

- Mandatory training should be organized for care leaver guardians, especially for those who do not work in the child care sector.
- In order to enhance the quality of trainings offered to young people leaving care,
 - District Centres for Family Support and social assistance centres should also focus on 'soft skills'

KEY CHILD AND YOUTH CARE TERMS

Child without parental care. A child whose parents have limited or no parental authority. The Family and Guardianship Code stipulates that a child remains under the authority of his or her parents until he or she turns 18. Such authority is vested in both parents unless a court denies parental authority. Courts may suspend, limit, or eventually deprive parents of their authority:

- **Suspension** is declared when a parent cannot care for the child for reasons such as hospital treatment, a prison sentence, or departure.
- **Limitation** is declared when a court decides that the child's welfare is at risk due to abuse of parental authority or neglect of parental duties.
- **Deprivation** is declared when neglect or abuse is ongoing.

Foster care (*rodziny zastępcze niespokrewnione*). One of three types of family-type care: unpaid foster parents (*rodzina zastępcza niespokrewniona*), professional foster families (*rodzina zastępcza niespokrewniona*), including specialized foster families, as defined below, or short-term emergency foster family placement (*wielodzietna rodzina zastępcza*).

Kinship care (*spokrewniona rodzina zastępcza*). A type of family-based care where the child is placed with relatives.

such as interpersonal and social skills (see above examples).

- a tool should be created to measure competency indicators such as 'being self-reliant'.
- the exchange of good practices should be organized among District Centres for Family Support, social assistance centres and NGOs.
- an evaluation system for trainings in good practices should be created.
- Concrete after-care provisions should be included in the relevant legislation and standards and responsibilities for implementation should be defined. Lessons learned from good practices from countries with efficient after-care systems should be integrated in those provisions.
- An interdisciplinary working group of stakeholders should be initiated to identify and develop solutions for

Multi-functional facility (*placówka opiekuńczo-wychowawcza typu socjalizacyjnego*). This type of residential care is equipped to undertake interventions. A child may be placed in such a care facility only when there is no chance of helping his or her family of origin and when there is no possibility to place the child in foster care.

Small-group home (*specjalistyczna rodzina zastępcza*). Also known as a 'family orphanage', a small-group home is established by a married couple in a private house for a small number of children. While this approach is similar to professional foster care, it is better paid and requires the submission of more documentation to the District Centres for Family Support.

Socializing centre (*placówka opiekuńczo-wychowawcza typu socjalizacyjnego*). These residential care facilities were formerly known as children's homes.

Specialized foster family (*specjalistyczna rodzina zastępcza*). Such a foster family provides care for children with physical or mental disabilities or special social needs.

the housing problem. The responses of the communes to the housing problem should be monitored and evaluated.

- An online platform dedicated to young people leaving care should be created. This site should include a means to network and share experiences with people who have experience leaving care.

Providing better data

- Indicators regarding young people leaving care should be included in the existing monitoring procedures of the child care system.
- The indicators used by different institutions with responsibilities in the field of leaving care should be harmonized.
- Informative reports on the basis of existing data should be produced.

Identifying new research areas

- Research should be carried out on the skills needed to be self-reliant. Studies should be undertaken to determine how children and young people with care experience differ from their peers who do not have care experience. The findings should inform the development of programmes and workshops for children and youths in alternative care.

¹ This chapter was prepared by Beata Jasko and reviewed by Jerzy Zaborowski. See Jasko (2009).

² For more information on the discrepancies in data provided by official sources, see Raclaw Markowska (2004).

³ Data from the Polish Central Statistical Office (as at 31 December 2008).

⁴ See, for example, SWSPiZ (2008).

⁵ In professional foster families, one foster parent is paid by District Centres for Family Support, as stipulated in Articles 72 and 74 of the Social Assistance Act, Polish Journal of Law No. 64/2004, item 593, with further amendments.

⁶ The research was conducted in 2008 in Warsaw; 25 per cent of youths in residential and foster care were surveyed. Respondents were 15 or older; they were either participating in the 'becoming self-reliant' programme of Warsaw's District Centre for Family Support, planned to join the programme, or had some knowledge about available assistance. The report does not state if counsellor advice was ignored or if young people did not visit a counsellor at all; as a result, it is difficult to tell whether educators encouraged young people to visit counsellors. See FBWNN and WCPR (2008, p. 7).

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RUSSIAN FEDERATION¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE AGEING OUT OF CARE

According to Federal State Statistics Service data for 2008, the total number of children under 18 in the Russian Federation was 26.5 million. About 17 per cent of the total population is made up of 15–24-year-olds (FSSS, n.d.).

Children and young people in alternative care

At the beginning of 2009 there were around 670,460 children without parental care, meaning children identified as in need of a care placement according to Form 103-RIK, as used by the Ministry of Education and Science.²

Information about children 18 and under without parental care and living in residential care facilities is recorded in regional and federal databases.³ From the time a child is placed in family-type care, or when he or she turns 18, the child is withdrawn from the official federal database. Children in family-type care are monitored through regional guardianship agencies overseeing their care.

While data is not standardized, the following statistics are available:⁴

- In 2007, the Ministry of Health and Social Development reported that of the 104,725 5–18-year-olds without parental care, 12,541 (or 12 per cent) had a disability.
- According to the federal database at the beginning of 2009, there were about 52,500 children aged 14–18 living in residential care (29,982 boys and 22,550 girls).
- Every year, 130,000 children are identified by the state as in need of alternative care:
 - nearly half are adolescents (age 12 and up).
 - only 15 per cent of the children are in need of alternative care because they have lost one or both parents.
 - the majority (80 per cent) are in need of alternative

care as a result of the termination of parental rights.

- about 70 per cent are placed into family-type care; however, adolescents, children with disabilities, and children with multiple siblings continue to be placed in residential care more frequently.

Young people ageing out of care

The federal database does not include data on young people without parental care over the age of 18. Thus, the current system of state data collection and analysis does not correspond to the goals outlined in federal policies.

However, data available from a recent study conducted jointly by the Ministry of Education and Science and the private firm Next Media reveals that:

- The number of care leavers from all forms of alternative care in 2008 was 40,928.
- Of the care leavers, 51 per cent left family-type alternative care.
- About 15 per cent of care leavers had disabilities.⁵

Some regions track care leavers up to 23 years of age in regional databases (for example, the regions of Moscow, Perm, Samara, and Sverdlovsk). The Social Agency of the Komi Republic keeps a database on 2,413 15–23-year-olds. In addition, issue-specific databases, such as the database for housing support for care leavers, contain information about 5,374 persons in need of housing. In the Sverdlovsk region, the 2008 database of care leavers in educational facilities and social rehabilitation centres contains information on 640 care leavers.⁶

Profiles of young people ageing out of care

Despite the fact that young people can stay under state guardianship and receive state support until they turn 23, state data collection follows young people only until the age of 18. After finishing compulsory education, young people typically enter vocational training or higher educational facilities. Residential care facilities must provide them with clothes and other necessities, or provide cash payments according to regional standards.

In the Moscow region, for example, care leavers up to 23 years of age receive support from education authorities. Once they turn 18 and upon completion of their education, they are automatically transferred from the educa-

tion system to the social welfare system. In most regions, there is almost no interdepartmental coordination of the protection of rights of care leavers. They lack continuity of assistance and support when they move from one department to another at age 18.

Paths taken by young people ageing out of care

Federal law guarantees full state support to care leavers aged 18–23 who are continuing their education or pursuing vocational training; this coverage includes food, clothing, and footwear, housing or accommodation, social services, and medical services—or full compensation of any of these costs—throughout the duration of their education. After age 23, care leavers still have the right to access housing as well as psychological and rehabilitation services, though coverage depends on each region's policies. A lack of awareness of their rights can impede care leavers from advocating for their own rights and accessing guaranteed support.

NATASHA, 23 YEARS OLD

When Natasha was 15, she left residential care and moved to a boarding school to attend high school. She was bright and did well in school; as a minor, she received support from the government.

After finishing high school, Natasha applied and was accepted at one of the country's universities, thanks to her good grades. Although she was thrilled about being able to pursue her dream of studying at the university, she was not prepared for the difficulties involved in moving out of the boarding school. Since she was no longer a minor, the government subsidies and support on which she had depended were discontinued. All of a sudden, she had nowhere to live, no money for food, and no support in health matters.

She was forced to take on two part-time jobs to secure her daily survival. Now she attends classes in the morning, works as a waitress in the evenings, and takes care of children in a boarding school at weekends. She is not able to devote as much attention as she would like to her studies since she has to provide for herself.

Care leavers need life skills training and education to advocate for their rights, effectively navigate the public and social service system that are mandated to protect them, set personal and professional goals, manage a budget, and develop interpersonal skills necessary for healthy relationships. There is a need to develop and implement quality standards for services provided to care leavers to protect the rights of particularly vulnerable populations of care leavers.

Official data reveals that 42.5 per cent of the care leavers returned to their family of origin or extended family.⁷ It also shows that 42 per cent use after-care services (MES, 2008); of these, 48 per cent seek psychological support, 35 per cent seek legal advice, 84 per cent use welfare services, and 36 per cent use support to find a job.

Education⁸

Data shows that 68.8 per cent of care leavers continue their education in primary vocational centres. A further 20 per cent attend secondary vocational education, and four per cent attend universities or other forms of higher education. Many kinds of educational services are available to care leavers and there are entrance benefits for young people without parental care. Special services include free training courses for entering higher education. University complexes comprise boarding schools for children without parental care.

Employment and training

The employment rate among care leavers is 15 per cent. Six per cent of care leavers have social security. Employment centres (which provide universal services) are also accessible to care leavers.

Housing

More than one-quarter (28 per cent) of care leavers have inadequate housing arrangements and 1.8 per cent are known to be homeless.

Youth in conflict with the law

At least 9.3 per cent (and up to 28 per cent) of care leavers abuse drugs or alcohol while 20.7 per cent were convicted for their involvement in criminal activities.

2. SHORT DESCRIPTION OF THE RUSSIAN FEDERATION'S CHILD PROTECTION AND CARE SYSTEM

Main actors of the child protection and care system

The Ministry of Education and Science is responsible for identifying and organising the care of children without parental care. All federal districts develop regional laws on guardianship and trusteeship within the norms and mechanisms of the federal legislative framework.

Under Federal Law No. 48, executive authorities at the federal district level determine the process for assigning the type of alternative care in each child's case. The state has one month to place a child in need of alternative care, ideally within the child's region of origin. Recently, significant efforts have been made at the federal level to promote family-type care.

In addition to the development and implementation of regional legislation, securing federal funding, and meeting federal standards, the executive authority of each federal district is responsible for children's rights and providing guaranteed support to children in alternative care and care leavers.

Types of care settings

Family-style care settings include patronage, foster care, guardianship, and trusteeship. There are four types of patronage:

- **classic:** young people remain in the care of an alternative family until completion of vocational education. Regional legislation on patronage is implemented in 47 federal districts; in 12 federal districts there is also legislation on after-care patronage.
- **periodic:** young people live with the patronage family during vacations and weekends. During vocational training or higher education, they reside in dormitories. This system exists in the Magadan, Tomsk, and Vladimir regions.
- **group (family centres):** groups of young people, separated by sex, live with foster parents (in the Kostroma and Vladimir regions).
- **partial (semi-independent living):** young people live separately in their own or rented apartments. Patronage parents visit them regularly (in the Moscow and Vladimir regions).

A variety of residential care facilities for children without parental care are administered by different government departments. In September 2008, there were 2,015 residential care facilities with 162,525 children and youths, including the following:

- Houses of the child for children aged three and under are administered by the regional Departments of Health. There are 244 such houses with 16,332 children altogether. At age four, a child can be transferred to a children's home (see below) or another form of residential care.
- Children's homes are residential care settings for children aged 3–14. There are 1,176 such facilities, housing 57,029 children. Depending on the regional legislation, children's homes are administered by regional social welfare authorities or by the regional Departments of Family Policy. In addition, another 63 children's homes are part of schools and offer care for an additional 6,866 children. These homes may also be administered by the regional Ministry of Education authorities. A child may live in a children's home until graduating from high school or vocational school, or until being transferred to a boarding school. The placement decision often depends on the capacity of the region, but it can also be influenced by the child's health needs and mental development. Under the social protection system, 181 facilities provide care for 15,445 3–18-year-olds with severe disabilities.
- Boarding schools take in 7–14-year-olds without parental care and are administered by the Ministry of Education. Approximately 353 boarding schools house a total of 31,514 children. Boarding schools also offer part-time services to 7,898 children without parental care.⁹
- Specialized boarding schools for all children with disabilities are administered by Ministry of Education authorities or by social welfare authorities, depending on regional legislation. There are 24,826 children without parental care in specialized boarding schools.
- Military schools—including cadet units and the Suvorov and Nakhimovsky schools—accept young people 12 or older (though sometimes as young as seven). Children who leave foster care must be 14 or older before they may enter military schools. While these facilities provide a basic education, concerns have been raised regarding the young age of some of the children.¹⁰ There are 1,739 children without parental care in military schools.
- Shelters and social welfare facilities providing tem-

porary placement are administered by social welfare authorities.

- In addition, non-governmental organizations (NGOs) provide care for children without parental care of all ages. Non-governmental child-care facilities, most of which were established by churches and faith-based organizations, house 876 children.

By the time a child in alternative care turns 18, he or she may have experienced several transfers from one residential care facility to another. For example, one child may have been transferred from the house of a child (for children under three) to a pre-school children's home (for 3–7-year-olds), then to a boarding school (for 7–14-year-olds), and perhaps temporarily to a hospital, shelter, or another children's home. Since these facilities may belong to different departments, they operate on the basis of their own departmental regulations. Studies show that such transfers repeatedly break a child's emotional attachments; the rehabilitation process is violated, which in turn hinders their normal social and emotional development.

Deinstitutionalization efforts

In 2006, President Vladimir Putin gave an order to the Russian Federal Assembly promoting a reduction in the number of children in residential care and an increase in the number of family-type care placements. The results of the deinstitutionalization efforts have been significant:

- By the end of 2006, the number of operating residential care facilities was reduced by about 2 per cent. In 2007, the number of facilities dropped by another 5 per cent (or 80 facilities): the number of children's homes decreased by 5 per cent and boarding schools by 7 per cent.
- By the end of 2008, a total of 156 institutional care facilities had been closed or transformed into family-type care support centres, though it should be noted that the most significant reductions in the number of residential care facilities have occurred more in urban areas than in rural districts.
- Between 2005 and 2008 the number of children in residential care also decreased. In 2006, there were 6,629 children (or 6 per cent) fewer children in institutional care than in 2005. In 2007, there was a further reduction of 12,319 children (or 13 per cent) compared to 2006.

Residential care facilities belong to different departments and ministries, and they may be under federal or regional, state or private management. All residential care costs, as well as the support to care leavers, are borne by the federal government through the district budgets. The funds allocated for overhead costs of residential care, medical care, and care provided during summer vacations for the educational facilities vary across the different regions and are dependent on each region's economic situation.

While there was a nationwide effort to decrease the number of children placed in residential care and simultaneously increase the placements in family-type care, many children remain in institutional care facilities because they are considered 'at risk'. Decisions about institutional care placement might sometimes not be made in the best interests of the child, but rather because of a child's attributes. Nearly 80 per cent of children in residential care are unlikely to move into family-type care. These children belong to the following groups:

- children 10 years and older (69 per cent).
- children with disabilities (14 per cent).
- children from large families (having several siblings) and living in residential care facilities (10 per cent).
- children of certain ethnic backgrounds (particularly Asian or Roma ethnicity) or of a different nationality, and children who are not of the mainstream culture.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care

The Ministry of Education and Science develops federal legislation that guarantees services and support for children without parental care, development projects, and standards for regional authorities. All federal districts develop regional laws on guardianship and mechanisms of implementation as outlined within the federal legislative framework. Overall, the control and support of the care system is the responsibility of the Ministry of Education and Science; however, residential care facilities often fall under different ministries and agencies across different regions. Thus federal recommendations may not apply in some cases.

Children's rights are protected under the Constitution of the Russian Federation, which includes the following

provisions:

- protection of family and childhood (part 1, art. 38; part 2, art. 7).
- rights and obligations of parents to care for children and to raise them (part 2, art. 38).
- service coordination for protection of the family, maternity, paternity, and childhood under the joint jurisdiction of the Russian Federation and the subjects of the Russian Federation (art. 72).

The Constitution and the Civil Code set forth the rights of young people pertaining to education, housing, labour issues, and access to social services and programmes for children and families in need. The basic principles of the child welfare system are laid down in the Civil Code.

Basic forms and norms of support are stated in three legal documents:

- the Family Code of the Russian Federation.
- Federal Law No. 159—On Additional Guarantees of Social Support for Children without Parental Care—adopted on 21 December 1996. Specifically, this law guarantees children without parental care the right to education, medical services, housing, and employment. It defines the obligations of officials and other duty bearers, outlines the sanctions for violations of children's rights, and sets forth the procedure for the protection in court for children without parental care. Federal and regional executive authorities are responsible for the development of programmes for children and youths without parental care, and for the creation of facilities and support centres.
- Federal Law No. 48—On Guardianship and Trusteeship—adopted on 1 September 2008. This law outlines the responsibilities of duty bearers and caregivers.

The type and amount of services provided for psycho-educational support are described in the statutes and other internal normative documents of the facilities and support centres. This means that the quality and the type of services provided for children with disabilities without parental care are at the discretion of care service providers and can vary widely.

All legal guarantees are financially supported by the budgets of the federal districts. This means that due to

differences in the local economies and the position of local authorities, the implementation of the norms can vary widely from one region to another.

One problematic issue is the legal representation of youths under 18 who leave residential care facilities. According to the Family Code (art. 147), the responsibility for legal representation of children living in residential care facilities rests with the administration of these facilities. However, neither the maximum duration of their stay nor their age limit is fixed by law.

If data is available, it is not necessarily standardized and may thus differ significantly across different departments. For example, the number of children without parental care who are enrolled in the cadet corps and military schools is practically impossible to count. The age at which young people leave these facilities is not fixed by law. Article 30 of the Standard Act on Residential Care Facilities for Orphans and Children without Parental Care defines the right of children to full financial support and access to a general education (including elementary, secondary, and higher education). Article 29 states that the rights and responsibilities of children are defined by the internal documents of the facility. There is no legal requirement to provide care for a child under 18 regardless of his or her place in the education system.

Key legal provisions regarding preparation for leaving care and after-care support

Housing

In early 2008 the total number of children without parental care in need of housing was 123,765, of which 73,454 were under 18 (ISC, 2008). Federal laws define the different housing options for care leavers from family-style care and residential care:

- The first group comprises care leavers who have officially recognized fixed accommodation, such as with their family of origin. In this case, young people must come back to this shelter after leaving care. However, numerous problems are associated with such a return, particularly in unsafe cases, such as when there is physical or emotional abuse, addiction and substance abuse, or a lack of decent, safe, and sanitary housing. The number of care leavers who returned to their

families of origin in 2008 is 15,389. Approximately 21 per cent of these homes were revealed to be inadequate, unsafe, or unsanitary.

- The second group comprises care leavers without fixed accommodation. Municipalities are required to give these care leavers priority in the provision of housing, but the waiting time can be up to ten years. Temporary shelter is available in many regions in social hotels, hostels, and after-care establishments (a type of temporary housing). In some districts, federal housing funds provide care leavers with affordable and accessible loans to purchase housing.

Education

Support for education is guaranteed under federal education law and under Federal Law No. 159. Care leavers under 23 are guaranteed a free primary and secondary vocational education. They can also apply for higher education outside of the general competition pool of applicants. If care leavers continue their education, the facility must provide them with housing in the dormitory (if available) and cash payments for clothing, textbooks, and stationery. Scholarships offered to care leavers are 50 per cent higher than those of other students. Upon completion of their education, care leavers are paid a lump sum for the purchase of furniture or supplies.

Employment

Care leavers are guaranteed employment support under the federal labour code; Federal Law No. 159; and the Department of Labour Law No. 5.¹¹ Some regions passed legislation to introduce job quotas for care leavers.¹² In the absence of employment opportunities, they are registered in the Employment Fund, through which they can receive training and an unemployment allowance for up to six months. Unemployment benefits vary dramatically across regions, from about USD 1,000 in Moscow to only USD 50 in other regions.

Medical care

Access to medical care for young people without parental care and for care leavers is a legally protected right. Under Federal Law No. 159, care leavers are provided with free medical care and surgical treatment in all state and municipal clinics, including clinical, rehabilitation, and regular medical examinations. Care leavers can also access student recreation camps as well as free treatment

and transportation to treatment facilities. Delivery of such aid and services is regulated by regional legislation.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

The explicit target for measuring and ensuring preparation for independent life is not articulated in any federal regulatory documents. There is also a lack of systematic and consistent criteria for tracking care leavers' readiness for successful transition into independent life. Unless monitoring is carried out on the adaptation and social integration of care leavers, the evaluation of the effectiveness of alternative care providers and after-care programmes and service delivery is not possible.

The Standard Statute of Residential Care requires that care provider facilities and the regional guardianship and trusteeship bodies offer:¹³

- support for housing, education, and employment.
- all material and monetary benefits guaranteed on leaving the care facility.
- all available information about parents and relatives to the care leaver.

In general, the process of preparing care leavers for independent life is stated at the federal level in the target programme 'Children without Parental Care'.¹⁴ This programme funds the educational activities of residential care facilities with at least 100 participants; the development of manuals and recommendations for professionals and care leavers; and the reservation of places in university dormitories and resource centres that provide jobs for care leavers. It should be noted that funds are distributed on the basis of competitive tenders and bids, and most of the programmes have been carried out by non-governmental organizations.

However, there is no standard process or requirement for preparing young people who leave residential care for independent lives. This leaves many residential care facilities to develop their own programmes based on the initiative of the facility's administration and resources rather than according to the needs of the young people leaving care.

For example, young people who wish to continue their education are often sent to vocational training and educational facilities that have dormitories or special admissions policies for care leavers from boarding schools, regardless of the competitiveness of the profession in the labour market or the young people's choice.

One successful model of preparing care leavers from institutional care is implemented in the social centre in the Komi Republic. The comprehensive programme 'From a Children's Home to Adult Life' aims to increase the level of social adaptation of youths who leave residential care. The purpose of the programme is to ensure quality social integration. The programme uses conversation, debates, role-playing games, training, video therapy, fairy tale therapy, psychological workshops, and creative studios to accomplish three objectives:

- increase of the level of social competence.
- further the development of interpersonal communication skills and resilience.
- promote the legal education of care leavers.

Another example comes from the Kireevskaya Boarding School, which partnered with Tula State Pedagogical University. During the 2002–03 academic year, only 10 per cent of care leavers entered higher education facilities. By 2006–07, this percentage had risen to 77 per cent. The same state programme saw the creation of resource centres that provide primary employment for care leavers.

NGOs also play a significant role in preparing youths for leaving care. Popular life skills programmes are organized by many NGOs and are usually made possible by international grants. In Moscow, all children's homes and boarding schools are required to carry out a training programme developed by the charity organization Women and Children First.

After-care services for young people who have left care

Of the federal districts, 69 per cent provide various forms of after-care services, including: individual guidance, legal counselling, career counselling, psychological support, material aid, and the establishment of after-care adaptation centres. As the after-care support system has only recently been initiated, there is not yet any agreed terminology. Of the following models of after-care support, the first three

are funded by regional or municipal budgets:

- after-care centres within the municipal centre of social assistance to families and children.
- social hotels for temporary accommodation for care leavers.
- after-care services for groups of young people without parental care aged 15–18 years and 18–23, provided by the municipal residential care facility.
- NGO-based after-care services, including youth facilities and semi-dependent living (such as SOS Children's Villages).
- a 'club system' offering crisis accommodation, emergency hospital stays, or day centres.

In addition, a few programmes target young mothers and one NGO project is designed for young people leaving the juvenile justice system. The mission of the juvenile justice project is to provide legal, psychological, and vocational guidance and assistance for young people aged 14–21 who have served or are carrying out their sentence.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

The primary causes of the rights violations stem from an absence of effective implementation and reporting mechanisms, a lack of resources in the regions, and a lack of professional training and capacity building. In general, young people who are in care and leaving care, duty bearers, and the general public have a low level of knowledge and understanding of the legal rights of and support for children in care and care leavers.

- **Right to participation.** Children and youths are not sufficiently encouraged to participate in care and after-care decision-making.
- **Right to health care.** Once a child or youth has been incorrectly diagnosed as needing a particular type of care—such as psychiatric care—it is difficult to change their placement in development and education programmes to a more appropriate type of care. It is also difficult to access specialized care or treatment.
- **Right to education.** Young people's right to choose

their own educational paths is often violated. As noted above, they are often sent to vocational training and educational facilities that have dormitories or special admissions policies for care leavers.

- **Right to quality alternative care.** Throughout their childhood, children without parental care may make several moves from one alternative care facility to another. The attachment of the child can be repeatedly interrupted, and the rehabilitation process can be violated, stunting the social and emotional development of the child. The child's development may be further destabilized by:
 - a lack of contact with the family of origin.
 - social isolation.
 - unnecessary delays and long procedures in determining the legal status of a child.
 - an unofficial or unknown status for children, which makes it difficult for them to access support.
 - the fact that children and youths in care are prohibited from accepting financial support from parents.
 - the exclusion of young people with disabilities from cultural, sports, and community activities.
 - delays in receiving state benefits and support.

- **Right to protection from violence and abuse.** Research shows that psychological, verbal, and physical abuse is not uncommon in alternative care. In addition, young people are often sent back to a family of origin despite inappropriate, unsafe, or unsanitary living conditions. Some care leavers suffer mental, physical, and sexual violence, and some are even subject to trafficking.

- **Right to employment.** Care leavers often face discrimination in the job market.

- **Right to adequate housing.** Care leavers are rarely provided housing within the legally defined timeframe; waiting periods may be 10–15 years.

6. OFFICIAL DATA SOURCES

Official data regarding young people leaving care may be obtained from the following sources:

- the Ministry of Education and Science. In 2004 and

2008, this ministry conducted federal and regional monitoring analyses of the protection of care leavers' rights and of their success in adapting to independent life.

- state statistics forms such as D-13, 76-RIK (data about mainstream educational centres), and 103-RIK (data about children and adolescents without parental care).
- the Ministry of Health and Social Development, which released a report on the development of family-type care (MHSD, 2007).
- the Federal Agency for Education, which produced a study on family-type care with a focus on demographic and social factors (FAE, 2007).
- the Federal Assembly Committee on Family, Women, and Children, which published the proceedings of relevant parliamentary hearings (FACFWC, 2008)

7. RESEARCH ON THE TARGET GROUPS

There is no comprehensive research on the situation of young people leaving care in the Russian Federation. However, a monitoring study on the situation of care leavers was conducted by the Ministry of Education and Science and the private company Next Media in 2008.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Improving the legal and policy framework

- The legislative framework for after-care support should be improved, with a special focus on guidance for inter-agency coordination, expansion of after-care services, and the development of quality standards for services and support.

Improving the services and practice framework

- Practical and evidence-based preparation programmes should be developed to prepare youths for independent life, promote their social integration, and teach them life skills.
- A system of professional competence should be developed for the various types of professional work with children without parental care and care leavers, including for social workers, lawyers, educators, and public safety officers.

- Programmes should be developed to raise awareness of children's rights and responsibilities among children and youths without parental care, care leavers, care providers, and professionals working with youths and families.
- Care leavers should be encouraged to engage in community-based youth organizations, movements, and networks with a view to promoting socialization and integration.
- After-care support should be planned in such a way as to involve the care leaver, his or her family of origin, when possible, as well as the alternative care provider.
- Awareness about care leavers should be raised and efforts should be made to combat stigmatization and discrimination among the public, employers, the media, and other sectors of society.
- Partnerships should be formalized and cooperation increased between civil society and government bodies.

Providing better data

- Responsible agencies should continue to register, monitor, and evaluate youngsters during the first three years (minimum) of life after care to ensure fair access to education, housing, employment, and benefits.
- An independent and transparent system of public monitoring of children's rights should be created; it must include reliable data collection and analysis with respect to children without parental care and care leavers.

KEY CHILD AND YOUTH CARE TERMS

Boarding school (*shkola-internat*). These schools provide accommodation to 7–14-year-olds without parental care and are administered by the Ministry of Education.

Care leavers (*vipyskniki*). Young people who have received full state support and who leave their residential care facility upon completion of their education, as defined by Article 1 of Federal Law No. 159.

Children without parental care (*deti ostavshiesya bez popecheniya roditeley*). While the law does not provide a clear definition of this term, in most cases a child receives this status after a court decision of deprivation or limitation of parental rights, as defined by Article 1 of Federal Law No. 159.

Foster care (*priyomnaya semya*). A care arrangement in the form of guardianship or trusteeship with a contract concluded between the guardianship or trusteeship agency and the caregiver (couples or individual citizens), as defined by Chapter 21 of the Family Code and Article 14(1) of Federal Law No. 159.

Guardianship (*opeka*). This care arrangement by the state for children under 14 is defined by Article 2(1) of Federal Law No. 159 and Article 32 of the Civil Code.

Patronage (*patronat*). This family-style care arrangement is similar to foster care and may come in the form of classic, periodic, group, or partial patronage (see above for details). No federal legislation regulates patronage. Some regions in the Russian Federation have passed laws to regulate patronage and have done so in conformity with Article 123 of the Federal Family Code.

Residential care (*institutsionalnaya opeka*). This care is provided in any non-family-style setting. There is no legal definition of residential care in the Russian Federation.

Trusteeship (*popechitelstvo*). This state-run care arrangement targets 14–18-year-olds.

- ¹ This chapter is mainly based on the situation analysis of young people ageing out of care in the Russian Federation (Russian Committee SOS Children's Villages, 2009).
- ² Form 103-RIK is an administrative form used to collect data on children and youths in need of state care and placement of children and youths without parental care.
- ³ The recording is regulated by Law No. 44 of 16 April 2001, entitled About the State Database on Children without Parental Care.
- ⁴ Data for the age groups 15–18 and 18–24 has not been disaggregated.
- ⁵ For more details, see Coalition to Stop the Use of Child Soldiers (2008).
- ⁶ In Sverdlovsk, data is tracked in accordance with Order of the Regional Minister of General and Vocational Education No. 45—On the Procedure of the Definition of Orphans and Children without Parental Care in Vocational Education Facilities—passed on 26 February 2008.
- ⁷ For more details, see Coalition to Stop the Use of Child Soldiers (2008).
- ⁸ For more details, see MES (2008; n.d.).
- ⁹ These boarding schools offer two part-time options: 1) children without parental care (whose parents are deprived of parental rights) may live there until they turn 18, when they attain majority; and 2) children whose parents are no longer alive and who are under 16 may stay until the age of 23. There are also special boarding schools for children with disabilities, who stay there on weekdays and whose parents take them home on weekends.
- ¹⁰ For more information, see MES (2008) and Coalition to Stop the Use of Child Soldiers (2008).
- ¹¹ Labour Law No. 5 is entitled On the Statement of an Operating Procedure of Territorial Bodies of the Ministry of Labour and Social Development of the Russian Federation Concerning Employment of the Population with Orphans and Children without Parental Care.
- ¹² For example, Articles 3 and 4 of the Kabardino-Balkaria Republic's Law No. 19 of 10 April 2008—On the Job Quotas for the Employment of Certain Categories of People Experiencing Difficulties in Finding Work specify the quota of job allocation for 14–18-year-olds who experience difficulties in finding work (including children without parental care and those leaving alternative care facilities). The quota for their employment is fixed at two per cent for employers with more than 100 employees.
- ¹³ Such standards exist in every facility or other type of care. They are developed by the Department of Education of Moscow (DEM, n.d.).
- ¹⁴ The sub-programme 'Children without Parental Care', which is part of the federal programme 'Children of the Russian Federation' for 2003–06 under Federal Law No. 732 of 2002, includes the target 'Development and Implementation of a Comprehensive System Supporting Personal Self-determination of Children without Parental Care in Residential Care Facilities and Preparing Them for Independent Life'.

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UZBEKISTAN¹

1. TARGET POPULATION OF CHILDREN IN CARE AND YOUNG PEOPLE AGEING OUT OF CARE

About 39 per cent of Uzbekistan's total population of 26.6 million is under 18. Young people aged 14 to 29 make up 20 per cent of the total population; 64 per cent of the population is under 30 (UNDP Uzbekistan, 2007).

Uzbekistan's youth policy legislation defines 'youths' as people who are 14 to 30 years old, yet there is no clear definition of young people ageing out of care. Since most data available covers the age range 15–24, this study focuses on that group.

Children and young people in alternative care

In 2006, the number of children in residential care was 43,800 (UNICEF, 2007). About 10,000 children are in family-type care, far fewer than those in residential care.

There is a culture of 'institutionalization' of children with disabilities, the majority of whom have one or both parents. Nine residential care facilities house 1,566 children with mental disabilities. These children are supposed to leave residential care at 16. The usual practice is to transfer the girls to care facilities for women with mental disabilities while the boys are transferred to care facilities for men with mental disabilities. Another 19,245 children attend 86 boarding schools for children with disabilities.

Many children living in residential care facilities still have parents:

- 42 per cent of the children living in infant homes have both parents.
- among the children living in *mekhrionlik* (residential care facilities for 3–16-year-olds), 13 per cent have neither parent; 54 per cent still have one parent; 23 per cent have parents unable to care for them due to illnesses; and 10 per cent have parents in detention whose parental authority has been revoked by the state.²

There are 18 boarding schools for children from low-income families, including single-parent families or members of the extended family; among the 5,175 children attending these boarding schools, 1,100 are children living with relatives in kinship care. Kinship care refers to informal care that relatives provide for a child who lost his or her parents or cannot live with them. Kinship care is rarely registered with the state child protection bodies; if it is registered, it is recognized either as guardianship/trusteeship or patronage (see definitions at the end of this chapter).

Young people ageing out of care

Every year around 420 young people leave residential care.³ Care leavers from patronage and trusteeship families are not subject to any monitoring process.

Profiles of and paths taken by young people ageing out of care

It is difficult to access detailed information on young people ageing out of care. The Ministry of Public Education is planning to develop a mechanism to gather information about care leavers.

The main difficulty young people leaving care face is adapting to independent life in the community. They often spend many years in full-service environments where they have constant assistance and decisions about their lives are made without their involvement. The gradual transfer to independent life is not ensured and care leavers are not sufficiently prepared for the transition. They are thus prone to suffering psychological and emotional trauma, depending on the length of their stay in residential care facilities; they may also exhibit self-centredness, hostility, and a lack of self-confidence and self-esteem. Care leavers experience recurrent problems in interpersonal and social relationships and problems when parenting later in their own families. In addition, they are stigmatized by the label of having been raised in alternative care.

In general, care leavers lack housekeeping skills, social values, the capacity to cope with stress, and general survival skills. They are slower to develop language, reading, cognitive, and intellectual skills; they adjust poorly to work and are often unprepared to enter social relationships. Such a situation often results in uncertainty

KAMILA

Kamila grew up in a residential care facility, which she had to leave when she turned 16. She was accepted to a competitive secondary school in Tashkent, the capital of Uzbekistan. In order to study at the school, she had to move from her small hometown to the capital, which is three hours away. Kamila knew that an education would help her find a better job in the future and felt lucky to have this opportunity.

Yet she soon encountered an insurmountable problem. She found out that she was not able to rent a flat in the city because she was a minor. She had no one that could help her secure housing, and there were not any services from the municipal council that can offer accommodation; thus, it was impossible for her to attend the school.

Today Kamila is living in her hometown. She is working as a cleaning lady in the local primary school.

and even fear of independent life. Girls tend to be more disadvantaged as they get married early, receive lower wages, and have less access to housing services and higher education.

2. SHORT DESCRIPTION OF UZBEKISTAN'S CHILD PROTECTION AND CARE SYSTEM

In recent years, the government has carried out several positive reforms in the social welfare system. The effectiveness of the social protection system for children depends mostly on organizations, agencies, and departments dealing with the issues of social support and the protection of children.

Main actors of the child protection and care system

At the national level, the Cabinet of Ministers is the main governmental structure involved in child protection and

childcare. It coordinates the activities of all ministries and state bodies in the field of child development. A number of ministries and government agencies are also responsible: the Ministry of Public Education, Ministry of Labour and Social Protection of the Population, Ministry of Health, Ministry of Secondary and Higher Special Education, Ministry of Internal Affairs, the Prosecutors' Office, and local governments and Commissions on Minors. Four ministries are in charge of care arrangements. In addition to these, the Ministry of Culture and Sport, Ministry of Justice, various public, governmental, non-governmental and international organizations, and foundations are involved in the system. The main responsible bodies are:

- The **Ministry of Public Education** is in charge of most care arrangements, including those with *mekhrionlik*, boarding schools for children from low-income families and children with special needs, guardianship, adoption, family-type homes, and foster families. It is in charge of support for children with various forms of intellectual or physical disabilities up to the age of 16, children with anti-social behaviour, children in conflict with the law, and children from low-income families.
- The **Ministry of Labour and Social Protection of the Population (MoLSPP)** takes part in defining the state programmes aimed at intensifying of social protection of vulnerable population groups, including children with disabilities. The ministry's Social Assistance and Support Department provides for children with disabilities, including those in residential care facilities. The Pension Department coordinates and monitors the provision of financial support for children in alternative care.
- The **Ministry of Health** supervises Uzbekistan's 13 infant homes. The ministry includes a special department responsible for the medical and social protection and rehabilitation of children; its measures also target children from various care facilities. The protection of motherhood and childhood remains the ministry's focus of attention.
- The **Centre for Specialized Secondary Professional Education** under the Ministry of Higher and Specialized Secondary Education coordinates social support in the area of education and material assistance to chil-

dren without parental care, children with disabilities, children in conflict with the law, and children from low-income families.

- The **National Commission on Minors**, which is established under the Cabinet of Ministers and governed by the Prosecutor General, consists of ministers, heads of governmental bodies and representatives of civil society organisations. It coordinates the activities of ministries and governmental bodies aiming to prevent homelessness and violations of children's rights. There are 218 Commissions on Minors across the country. These commissions function within local governments at the city, district, and regional levels (*khokimiyats*) and the Republic of Karakalpakstan. Each *khokimiyat* establishes its own commission on minors. Those Commissions decide on the placement of children without parental care and those who are at risk of losing parental care. The head of each local commission, the *khokim*, is the final arbiter for the decision to place a child in care.

- The system of social protection of children also includes citizens' self-government bodies, the *makhalla*. These organizations provide targeted assistance to low-income families and children, distribute social benefits and other types of social assistance, and assist in addressing and preventing social problems. This includes identifying of beneficiaries, based on special criteria for assessing the level of a family's material and psychosocial well-being, as well as social diagnostics and monitoring techniques.

Other social actors include:

- the Women's Committee of Uzbekistan.
- the *Makhalla* Foundation.
- the Children's Fund of Uzbekistan (a national childcare organization) with 12 regional branches and one branch in the Republic of Karakalpakstan.
- the Republican Center for Social Adaptation of Children, which was created and is funded by the government. It works on problems of children with disabilities as well as other vulnerable children, such as those without parental care. The centre produces studies and reports for the government on the situation of these vulnerable children.
- the Soglom Avlod Uchun (For the Healthy Generation)

Foundation, an international childcare organization.

- the Republican Public Children's Fund of Uzbekistan, 'You Are Not Alone' Fund.
- SOS Children's Villages Uzbekistan.

A current programme of action for developing the child protection and care system foresees the introduction of innovative models such as children's villages, children's towns, youth homes, and patronage care. Children's towns are a new model of care in Uzbekistan. They are similar to the model of SOS Children's Villages and are currently operating in Andijan and Syrdarya. A 2008–09 strategy of support to foster families was developed to promote deinstitutionalization. A pilot project called 'Family and Child Services Support' providing targeted assistance to vulnerable children and families was undertaken at the local level (*khokimiyat*) during 2008–10.

Types of care settings

A geographical breakdown shows that the greatest proportion of children in residential care facilities lives in Tashkent (21 per cent), followed by the Samarkand region (14 per cent), and the Fergana region (11 per cent) (SOS Children's Villages Uzbekistan, 2008b).

Many children are living and working on the streets: 6,186 were officially registered before being sent back to their families of origin or being placed in residential care.⁴

In 2006, the number of children in residential care was 43,800 (UNICEF, 2007, p. 90). This number does not include the family-type children's homes, which may also be considered residential care, and can be broken as follows:

- Infant homes are for children under three. Thirteen infant homes currently care for 701 children. These facilities are administered by the Ministry of Health.
- Children's homes (*mekhrisonlik*) are for 3–16-year-olds. There are currently 28 children's homes caring for 3,162 children. They fall under the responsibility of the Ministry of Public Education.
- Specialized boarding schools are designed for children with physical and mental disabilities. At this writing, 86 specialized boarding schools housed 19,245 children. These facilities are the responsibility of the Ministry of Public Education.
- Boarding schools are for children from low-income

families. Today, 18 boarding schools care for 5,175 children and fall under the responsibility of the Ministry of Public Education.

- Sanatorium-type boarding schools, of which there are 23, house 7,000 children under the responsibility of the Ministry of Health.
- Children's homes (*muruvvat*) are designed for children with mental disabilities. Five of them care for 1,373 children under the responsibility of the MoLSPP.
- Women's homes (*sahovat*) accept women and children with mental disabilities. Four of them care for 193 children under the responsibility of the MoLSPP.
- Centres for social and legal aid for children provide temporary shelter for up to 30 days. Twelve such centres cared for 6,591 in 2006. Those centres operate under the Ministry of Internal Affairs.

Data shows that 10,709 children live in family-type care, as follows:

- Family-type children's homes, of which there are five, care for 59 children. The guardianship and trusteeship departments of the Ministry of Public Education are responsible for this type of care.
- Guardianship and trusteeship arrangements account for the care of 2,770 children. The Guardianship and Trusteeship Departments of the Ministry of Public Education are responsible for this type of care.
- *Makhalla* communities cared for 7,680 children in 2005. As this form of care is not registered, no ministry is responsible for monitoring it.
- Patronage arrangements account for the care of 100 children.
- SOS Families care for 100 children.

3. LEGAL AND POLICY FRAMEWORK

Legislation and policy on child and youth care

Childcare

The Act On the Guarantees of Child's Rights of 2008 governs child welfare legislation and guarantees the right of a child to grow up in a family environment. A specific law on the protection of the rights of the child by the Children's Ombudsman is still under development. The 2007–11 National Plan of Action to Ensure the Well-being of Children was adopted in 2007.

Alternative care such as guardianship, trusteeship, and medico-social and educational services are mostly covered by legislation.

The draft 'Strategy to Increase the Well-being of the Population of Uzbekistan in 2007–2010' envisages future policy priorities regarding the well-being of children, such as promoting their interests and potential, supporting young families⁵ when they enter independent life, and granting preferential credits to young families.

Youth care

Youth is considered the most significant part of Uzbek society. Since 1991, youth policy has played an important role, especially in the formation of professional skills. In Uzbekistan, 2008 was declared the 'Year of Youth'.

The 1991 Act On the Fundamental Principles of State Youth Policy regulates legal and social protection of youths and support for youth initiatives; it also guarantees freedom of choice and participation in youth policy. The law On the Foundations of State Youth Policy in the Republic of Uzbekistan defines youth care and provides the framework for the legal and social protection of young people. It guarantees free medical services and free education for the youth; preferential conditions with respect to attending recreational, sports, and cultural facilities; soft loans for the construction or procurement of housing; the right to employment or material assistance; and compensatory payments and transportation privileges for pupils, students, and minors. Special measures of social protection are foreseen for categories such as young people with disabilities in alternative care.

The 1992 Act On Education within the Framework of Ongoing Educational Reform creates the legal framework for supporting talented young people, raising their qualifications, and supporting healthy lifestyles. A national 'Education for Everybody' project is planned.

The 2007 presidential decree On Additional Measures to Materially and Morally Stimulate Young Families enables more than 995,000 young families in Uzbekistan (16 per cent of all families) to receive assistance in building and equipping houses, receiving mortgages, and securing consumer and micro-credit. In 2007 alone, soft loans worth UZS 50 billion (EUR 24 million) were allocated.

Key legal provisions regarding preparation for leaving care and after-care support

The legal system provides support only for young people under 18. Most young people leave the care system at 16. Residential care facilities transfer the young people to the high schools, where they are enrolled for their education and where they should receive a space in dormitories. As noted above, young people with disabilities are often transferred from a residential care facility for children with disabilities to an adult institution for people with disabilities.

Despite many legal provisions for support, the law is incomplete and lacks precise protective measures and guidance on implementation. Legislation regulating after-care support is also lacking.

The issue of social protection for young people ageing out of care has received some attention in Uzbekistan. The major debate relates to the integration of young care leavers into society and their choice of profession. National legislation describes special protection measures for young people in care in the areas of employment, housing, education, health care, benefits, and pensions. Young people in care can benefit from all legal provisions guaranteed for other youths in the country.

However, all legislative measures regarding psychological and pedagogical therapy, rehabilitation, legal services, assistance in protecting their rights and legitimate interests, employment services, and labour protection are insufficient.

The 2001 Regulations on the Ministry of Labour and Social Protection charge the ministry with the implementation of a unified social policy to improve social security in view of the conditions of a market-oriented economy. Some measures include:

- securing employment for young people, partly by creating new jobs.
- developing targeted programmes.
- taking effective measures for the social protection of people with disabilities.
- assisting families with many children, low-income families, and other socially vulnerable population groups.

Article 32 of the Housing Code on Rights and Responsibilities of Owners' Family Members, as well as Other Citizens Living with Him/Her Permanently protects children who are legally registered in a family home from losing their housing and property rights.

The Commissions on Minors are tasked with seeking solutions for the education, housing, and employment for a minor leaving care.⁶

Young people leaving care can also benefit from the 1999 Resolution on Order and Rules of Admission to the Secondary, Specialized, and Professional Institutions, which requires the provision of professional counselling for all young people continuing their education in such institutions.

Identified gaps

- There is a lack of data on children and youths in care and care leavers.
- A centralized top-down system often means that new programmes are limited to the initiative of national and regional executive bodies; the process of decentralization of the public administration is slow.
- The principle of 'the best interests of the child' is not adequately reflected in the legislation, nor is it adequately respected in practice.
- In the spheres of health and social protection there is a need to increase efficiency and coverage and to improve conditions and targeted activities.
- National agencies and ministries as well as local authorities lack adequate financial and human resources, professional skills, knowledge, and methodology. *Makhalla* also lack financial and human resources.
- There is no single coordinating agency for child rights protection.
- Despite the Housing Code provisions, relatives tend to sell or exchange their house and leave their children without a place to return to after leaving care. The responsibility for providing care leavers with accommodation for three more years thus rests with the childcare system, which usually places the young people in college or vocational schools that require minimal living stipends.
- There is a need to develop normative and legal documents that promote the development of an efficient after-care service system in the areas of rehabilitation, legal advice, employment services, and labour protection.

- Young care leavers are unaware of existing legislation protecting their rights and should therefore be properly trained and made aware of the resources made available through current legal and binding statutes.

4. PRACTICES RELATED TO PREPARATION FOR LEAVING CARE AND AFTER-CARE SERVICES

Preparation services for leaving care

Young people ageing out of care are no longer entitled to care and protection under the child welfare system; there is no national programme to support them at the beginning of their independent lives. In view of this gap, SOS Children's Villages has introduced the method of semi-independent living. It allows a smoother transition to a completely independent life and enhances a young person's ability to take full responsibility for his or her life. The preparation of young people under the care of SOS Children's Villages includes the development of social skills, housekeeping and communication skills, and training to build mutual respect and responsibility. Special attention is given to young mothers and direct social support is provided to young families.

After-care services

The following categories of youths may benefit from after-care provisions: young people in care, young people with disabilities, and care leavers from residential care or from other forms of alternative care, such as trusteeship, patronage, and SOS Children's Villages.

During their studies in specialized educational facilities, colleges, and institutions of higher education, young care leavers may benefit from material and financial assistance provided by the state instead of by the care facility. In some cases young people ageing out of care receive bonuses and additional stipends through educational facilities or through *makhalla* committees, which provide allowances for children from low-income families and one-off payments for care leavers. Yet national, municipal, and local authorities, as well as *makhalla*, lack adequate capacity, know-how, and resources for supporting young people leaving care.

Besides receiving support through the Ministries of Public Education and Health, young care leavers can benefit

from services provided by *makhalla* and the foundation You Are Not Alone (in Tashkent). Such services include a lump sum payment, housing support, legal counselling, psychological counselling in crisis situations or when youngsters apply for help (though not on an ongoing basis), and local community support.

In accordance with Presidential Decree No. 3017 of 2002 and a directive of the Cabinet of Ministers, the educational facilities attended by care leavers must provide them with a social package including:

- a monthly pass for public transport.
- food catering (EUR 1.50 per day).
- sanitation and hygiene (EUR 4.50 per month).
- clothes (EUR 15 per month).
- a stipend (EUR 25–30 per month).
- a lump sum payment after they graduate from an educational institution, the equivalent of 100 minimum monthly salaries (about EUR 1,200).

The *makhalla* committees allocate a one-off payment of approximately EUR 17 to young care leavers; sometimes this assistance is provided as a food package.

There is no employment support for care leavers except for the goodwill of individuals.

Every care facility forms its own informal club of care leavers to support relationships. A national state-supported youth league—Kamolot—takes part in the activities of such clubs.

Identified gaps

- Most young people leave care before turning 16, when they have completed their compulsory education. Staff in residential care facilities lack support from authorities to prepare youths for leaving care.
- The most obvious problems for young people ageing out of care are socialization, housing, and their lack of financial, psychological, and pedagogical support.
- The Housing Code is not properly implemented and does not regulate housing standards, which creates problems for care leavers in that area. The Housing Code requires parents, guardians, or trusteeship bodies to represent the interests of children and youths. Article 52 guarantees the preservation of living premises for children who are placed in residential care facilities.

This article is violated as it lacks effective enforcement mechanisms, such as a centralized record-keeping body responsible for banning the sale of such property. Housing registration is poorly regulated and some care leavers wait up to three years for housing.

- There is no municipal-level department in charge of ensuring preparation, support, or monitoring for young people after they leave care. Care leavers are left to develop on their own strategies for social integration and independent living.
- The vocational schools chosen for young people in care are based on a list provided by the Ministry of Public Education and often do not correspond to the young person's interests and wishes. They are less academically or professionally demanding than other options; moreover, care leavers are usually limited to becoming a cook, candy-maker, tailor, carpenter, construction worker, or security officer.
- Weak and inflexible service delivery is also a consequence of the weak planning, implementation, and monitoring capacity of local authorities; insufficient professional knowledge; and a lack of community participation in social support systems.

5. MAIN VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

Care leavers face severe problems in obtaining adequate accommodation, receiving sufficient financial support, integrating into social life, and finding proper employment. Despite provisions, they lack concrete assistance related to protection, housing, employment, and psychological and legal aid.

- **Right to information.** Young people's right to information is sometimes undermined by teachers or care providers who determine what information to share with them. Care leavers have a poor understanding of their rights; they may not be aware that they are not receiving their benefits on a regular basis or to the full extent.
- **Right to property.** Weaknesses in the Housing Code allow for property grabbing that deprives young people of housing.
- **Right to employment and housing.** Care leavers some-

times lack the necessary documents for employment and housing. Young people can be easily recruited for low payment.

6. OFFICIAL DATA SOURCES

Official sources of information are:

- publications from the State Statistical Committee.
- publications and data released by the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), and UNAIDS.
- the *Report on Human Rights in Uzbekistan*, published by the National Human Rights Centre, a state-supported organization run by the head of the Human Rights Committee of the Uzbek Parliament.
- the report on Uzbekistan released by the Bureau of Democracy, Human Rights, and Labor of the US Department of State (DHRL, 2005).

7. RESEARCH ON TARGET GROUP

No research on young people leaving care has been undertaken, nor is any planned.

8. KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Improving the legal and policy framework

- A special department should be created within the Ministry of Public Education to evaluate, monitor and develop programmes and services for young people leaving care.
- Comprehensive quality care standards based on the United Nations Guidelines for the Alternative Care of Children should be developed. These standards should cover the prevention of abandonment, the admissions process, as well as standards for care and leaving care.
- A State Labour Office should be set up to support care leavers in search for employment.
- National housing standards for youth leaving care should be enforced.
- A national model of youth facilities for assuring a smooth transition to independent life should be developed and implemented.

Improving the services and practice framework

- After-care services should be established, especially in the districts of Tashkent, Samarkand, and Khorezm.
- A high standard of vocational training should be ensured for care leavers.
- Social centres for care leavers should be developed based on the model of existing centres (such as the You Are Not Alone Fund) or in collaboration with them to ensure access of care leavers to psychological, medical, and legal counselling, support in crisis situations, access to available benefits, and housing.

KEY CHILD AND YOUTH CARE TERMS

Guardianship, trusteeship, and patronage.

These legally recognized forms of placement in private homes and families vary in terms of the rights of the caregivers and conditions of placement:

- **Guardianship** (*opeka*). Mostly practised as kinship care — by which neighbours, relatives, or friends of the family care for a child — guardianship is organized for children up to 14 years age.
- **Trusteeship** (*popechitelstvo*). This form of kinship care is available to 14–18-year-olds as defined by the Family Code (ch. 21(176)).
- **Patronage** (*patronat*). Under patronage, a child is placed with a family in foster or kinship care, as defined by the Family Code (ch. 22(194–200)).

Family-type children's homes (*detskie doma semeynogo tipa*). This type of residential care was recently introduced in Uzbekistan. It can be initiated by private couples and established as a legal entity, as defined by Statute No. 158 issued by the Decree of the Cabinet of Ministers on 31 July 2007.

Khokimiyat. Local authority

Makhalla. These community and neighbourhood administrative units are a unique traditional mechanism for local self-governance with an official status. The *makhalla* is based on traditions

- Young people with care experience should be involved in developing programmes of support for care leavers. Efforts should be made to raise the awareness of young people ageing out of care about their rights and to develop their ability to defend them.
- The preparation of young people for leaving care should be improved by building their life skills, such as housekeeping, planning, communication, and stress management. They should be helped to become self-confident and develop emotional stability. Special attention needs to be paid to family planning and education aimed at preventing infection with HIV/AIDS.
- The professional development of young people leaving care should be enhanced and better vocational training opportunities should be offered, along with courses to improve professional qualifications. Opportunities for small business development should be created.

of community assistance that date back centuries. Their role is defined in the Provision of Makhallas on Self-Governing Bodies in the Cities, Towns and Kishlaks of Uzbekistan (1993) and the State Law on Community Self-Government (1999).

Mekhrisonlik. Residential care facilities for children aged 3 to 16.

Muruvvat. Residential care facilities for children with mental disabilities.

Sahovat. Women's homes that accept women and children with mental disabilities.

Socially vulnerable children. This term is used to define children who are in difficult situations and need special protection and support from the government and society. They include children with disabilities; children with physical or psychological development disorders; orphans; children without parental care; children residing in special childcare facilities; homeless children; children from low-income families; children in conflict with the law and imprisoned children; and children who are victims of violence or exploitation, armed conflicts, and natural disasters.

- A training programme for educators, caregivers, and social workers should be developed with the aim of improving their work with young people in care.
- A national 24-hour hotline should be created to provide an opportunity for young care leavers to request immediate assistance in the case of emergencies.
- Prevention programmes and services should be developed in order to address the problem of delinquent care leavers who are in conflict with the law.
- Funding should be secured for NGOs that implement projects for care leavers.
- Programmes should be developed to raise the public's awareness of the problems facing young people leaving care and a public campaign should be initiated to support youth employment, social integration, social development, and youth participation.
- A national forum should be initiated in a way that ensures the participation of decision-makers, stakeholders, international partners, main actors, and youths dedicated to improving the process of leaving care; such a forum could spearhead the development of programmes, share results, and define concrete targets and indicators of success.

Providing better data

- Reliable databases on care leavers and related issues should be set up.

Identifying new research studies

- A thorough study should be conducted to identify problems in the gradual preparation of young people for leaving care and transitioning to independent life.

¹ This chapter is mainly based on SOS Children's Villages Uzbekistan (2008a).

² Data for 2008 provided by the Ministry of Public Education.

³ Estimate based on data for 2008 provided by the Ministry of Public Education.

⁴ In 2005, the number of children was 6,951.

⁵ A young family is made up of members under 30.

⁶ See Clause 32 of the Statement on the Commission on Minors, incorporated in the Decree by the Cabinet of Ministers of the Republic of Uzbekistan of 21 September 2000.

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CONCLUSION

Mike Stein

FROM CARE TO ADULTHOOD IN EUROPEAN AND CENTRAL ASIAN SOCIETIES

I am 20 years old and live in a dormitory. They say they are getting me out, but I don't have anywhere else to go. [...] I have been qualified as a dressmaker but I still haven't started any job. [...] Our life differs from that of the other young people. Nobody offers any help; I even feel excluded from society as they say 'what a pity she comes from the orphanage'.

—20-year-old boarding home resident, Albania chapter

INTRODUCTION

For most young people living in Europe today, the journey to adulthood is marked by three important landmarks: first, moving into their own accommodation; second, entering further, post-school education or training, or finding satisfying employment; and, third, achieving good health and a positive sense of well-being. These pathways are closely connected and often reinforce one another. In addition, many young people are sufficiently supported by their families, with some returning home from time to time, and their journey to adulthood may extend well into their mid- to late twenties or early thirties.

International evidence from 16 countries suggests that, as a group, young people leaving care are more disadvantaged and face more difficulties than other young people in achieving these landmarks: their journey to adulthood is shorter, more severe, and often more hazardous (Stein and Munro, 2008). The experience of Hungary and Romania has revealed the challenges inherent in evolving from a centralist, enclosed, and institutionalized model of care (Anghel and Dima, 2008; Herczog, 2008).

Yet little is known about young peoples' journey from care to adulthood in Eastern European and Central Asian

post-communist societies, as there has been limited research and analysis of their laws, policy, and practice.

The country chapters contained within this report aim to address this gap in order to provide a foundation of information that is key to improving services for this highly vulnerable group of young people. Each of the chapters includes details on:

- children and young people living in care and ageing out of care;
- the child protection and care system;
- the legal and policy framework relating to young people's preparation for leaving care and after-care support;
- practice related to preparation for leaving care and after-care services;
- evidence relating to the rights violations young people ageing out of care face;
- the official data sources and research on young people ageing out of care; and
- key recommendations for policy and practice.

The purpose of this final chapter is to compare the information from the different countries to identify similarities and differences, highlight gaps in the information identified above, and make recommendations with a view to improving services for young people during their journey from care to adulthood.

CHILDREN AND YOUNG PEOPLE LIVING IN AND AGEING OUT OF CARE

Population of children

The population of children under 18 years of age in the 12 countries under review, as a percentage of the total population, varies from 18.7 per cent in Bulgaria to just over double that figure in Uzbekistan (39 per cent). Within this range are the Czech Republic and the Russian Federation (19 per cent), Bosnia and Herzegovina and Estonia (20 per cent), Croatia and Poland (22 per cent), Georgia (25 per cent), Azerbaijan (31 per cent), Albania (32.6 per cent), and Kyrgyzstan (35 per cent).

Children and young people living in alternative care

Keti has lived in residential care from the time she was a baby. Life has been difficult, especially in winter, when

there is no heat and she cannot sleep at night because of the cold. Now that she is 18, she must leave care, but she cannot find a job and needs help.

—18-year-old in residential care, Georgia chapter

Although the annual data collected for the chapters is not directly comparable, partly because some of it is incomplete, a clear picture does emerge regarding the main types of placements of young people. In each of the 12 countries, young people were placed:

- under guardianship or kinship care with relatives (extended family members);
- in a large residential care facility, or
- in a family setting such as foster care, small children's homes, or SOS families.

In 10 of the 12 countries, a majority of the young people were living either under guardianship or in kinship care with relatives or in a large residential care facility. Smaller proportions of young people were living in a family setting, including foster care, small children's homes, or SOS families. There are some significant differences between countries, however. The percentage of young people living in large residential care facilities in the countries under review varied between four per cent in Albania (where most young people were placed in kinship care) and 98 per cent in Bulgaria. The percentage of young people living under guardianship, or in kinship care, also varied: from 17 per cent in Croatia to 96 per cent in Albania.

The percentage of those living in an alternative family setting, including foster care, small children's homes, or SOS families, varied from almost none in Albania, Azerbaijan, and Kyrgyzstan, to 2 per cent in Bulgaria and Uzbekistan, to 73 and 75 per cent in Georgia and Bosnia and Herzegovina, respectively.

In 11 of the 12 countries under review, young people are still being placed in large residential care facilities as opposed to family-type care (foster care and children's homes). Indeed, in nine of these countries, most young people in care live in such large residential facilities.

Main findings regarding young people ageing out of care

It is difficult to access accurate information about the number of care leavers per year or any other information about care leavers because of the fragmentation of services in the hands of different actors [...] and a lack of reliable data.

—Albania chapter

There is no official data regarding the number of young people ageing out of care each year.

—Azerbaijan chapter

Data regarding young people ageing out of care in Croatia is not comprehensive and is usually inaccurate. Data is not collected systematically and is not centralized.

—Croatia chapter

Numbers of young people ageing out of care

In most countries under review, there is a lack of accurate, centralized, and comprehensive government information on the number young people ageing out of care. For seven of the 12 countries, there was either no information or it could not be considered accurate, comprehensive, or reliable.

Ageing out of care

For four of the countries, there was no information on the age at which young people left or aged out of care (Estonia, Georgia, Kyrgyzstan, and Uzbekistan). The Russian Federation database did not include information on young people without parental care over the age of 18—although some regions track care leavers until they turn 23.

Official statistics from the eight countries that did provide information reveal that the age of care leavers ranges from 15 to 26 years of age. In Albania and Bosnia and Herzegovina, young people who are not pursuing an education have to age out of care at 15. In the Russian Federation young people aged out of care between 18 and 23 years of age whereas those who continue their education or pursue vocational training are entitled to support. There is evidence from some of these countries (such as the Czech Republic and Poland) that young people age out of care later if they continue with their education.

Information on the paths taken by young care leavers is very limited. Such information is crucial in determining whether young people are making progress with respect to key indicators. This type of analysis allows for com-

parisons with the general population of young people and serves to provide evidence to guide the design of services for young people living in and leaving care. If collected over time, data on care leavers can be used as a measure of individual progress, as well as an indication of improvements in services. As identified in the introduction, key areas to be monitored include education, training, and employment; accommodation; and health and well-being.

The limited available evidence from the country chapters shows that many of the young people are seen as having poor outcomes with regard to education, employment, accommodation, and other areas (including physical and mental health); as a result, they are at high risk of social exclusion. In eight of the 12 countries, data reveals that young people who leave large residential care facilities encounter the most difficulties (Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, the Czech Republic, Georgia, Kyrgyzstan, and Uzbekistan).

A report cited in the Georgia chapter refers to 'institutionalized children' as forming a 'segregated underclass' (CRC, 2007). The chapter also notes that young people from small group homes do better and that fostered young people 'have the same educational and employment opportunities as their peers who live with their families of origin'. In addition, it points out that young people under the care of SOS Children's Villages are 'better prepared in terms of communication skills, educational achievement, attitudes towards work and study, and employability'.

The Azerbaijan chapter finds that children in large residential care facilities 'live in seclusion and have little information or understanding of the outside world' and links this set of circumstances to the serious problems they encounter after leaving care, including victimization and stigmatization. Of special concern is the fact that upon ageing out of care, a number of these young people wind up living on the streets, where they are vulnerable to physical and sexual abuse, abduction, and trafficking.

The picture of care leavers' prospects is not completely bleak, however. Evidence shows that a number of young people in Croatia are excelling in their education and that young Polish care leavers are becoming 'self-reliant' after leaving large residential care facilities and foster care.

THE CHILD PROTECTION AND CARE SYSTEM

The child protection system is fragmented and involves different ministries and state agencies. [...] These institutions are: the State Agency for Social Support [...], the Ministry of Health [...], the Ministry of the Interior [...], the Ministry of Education and Science [...], the Ministry of Labour, Employment, and Migration.

—Kyrgyzstan chapter

In most of the surveyed countries, the central government had the overall responsibility for children's social care services, as laid down by child care or social care legislation. In most of the countries under review, a number of different government departments are tasked with various responsibilities for young people living in and leaving care. The number of departments charged with care responsibilities in Kyrgyzstan and Czech Republic, for example, is five; in Uzbekistan four departments are involved; and in Albania, Azerbaijan, Bulgaria, and Estonia three different departments are responsible for these tasks. This fragmentation of responsibilities has a negative impact on the quality of child care services. The implementation of the legislation and the provision of children's services could be split between central and local government. In all country chapters, the involvement of NGOs in the provision of services was seen as positive.

The legal and policy framework for preparation and after care

The country chapters reveal that very little legislation specifically addresses the preparation for leaving care or support for young care leavers; legal provisions are contained within more general social care or child care legislation. In seven of the countries, such legal provisions foresee general assessments and care planning as the main preparation for young people. In Albania, for example, these provisions call for 'pathway plans'; in Croatia they address the 'duty to prepare'; and in Poland, they provide for a process of becoming 'self-reliant'.

In five of the countries, the legal framework allows young people to remain in care placement while continuing their education; this legislation qualifies them to receive some form of financial support. In Bulgaria and some Russian federal districts, subsidies and job

quotas are in place to facilitate and encourage the employment of young people. In the Czech Republic and Poland young people are eligible for personal assistance or counselling to help them secure accommodation or employment. None of the legal frameworks in the 12 countries features dedicated legislation concerning the provision of after-care services.

Preparation for leaving care and after-care services

The NGO IGRA is implementing a programme entitled 'Contact' in different homes and vocational training centres across Croatia. [The purpose] is improving life skills of children and young people in care through individual and group work [...]. The programme includes courses in areas such as money management, healthcare, household management, and cooking. [...] young people who left the care setting are provided with a 'place for contact', and, if necessary, the company of others. [IGRA] also publishes the journal Catapult, intended primarily for young people with care experience.

—Croatia chapter

In practice, preparation and after-care services are provided centrally or locally in all countries under review, either by official authorities or by NGOs. Preparation services include:

- the general or universal provision of life skills in schools;
- preparation services as provided by residential care facilities or children's homes;
- specific programmes provided by SOS Children's Villages and other NGOs; and
- pathway plans agreed with 'guardians'.

In all 12 countries, 'preparation programmes' are being carried out; however, evidence shows that access to such programmes and the quality of preparation vary greatly within and across countries, suggesting that not all young people are adequately prepared for adulthood.

After-care provisions include:

- financial support (usually linked to education and employment);
- accommodation as linked to education, and other types

of housing (such as semi-independent facilities, homeless shelters, and social hotels);

- youth care programme support provided by SOS Children's Villages;
- counselling;
- support by residential care facilities and after-care centres; and
- services provided by young care leavers themselves.

The country chapters show that all 12 countries provide some form of after-care services for young people, though the quality varies depending on the residential care facilities, the area where young care leavers live, and the accessibility of NGO programmes such as those from SOS Children's Villages.

As is the case with preparation, there is no guarantee that all young people will be adequately supported into adulthood, especially in the absence of a strong legal framework.

Several country chapters raise concerns about housing. Homelessness is an issue in Georgia and Albania, where young people must generally leave residential care when they turn 15. In the Russian Federation, young people are not necessarily able to access 'guaranteed' accommodation. In Kyrgyzstan and Uzbekistan, care leavers may be denied their property rights by relatives or officials.

Several countries under review provide financial support for education and employment assistance. Nevertheless, concerns persist with respect to the low level of qualifications of young care leavers; their limited education and vocational training; dependency on illegal employment, which may disqualify young people for health and social benefits; and the exclusion of some young people from employment benefits.

The chapters provide little evidence of young care leavers being offered skilled counselling to help them overcome the often persistent psychological problems caused by institutionalization, including a sense of isolation, difficulties in forming personal relationships, and more problems regarding more general social integration in their communities.

VIOLATIONS OF THE RIGHTS OF YOUNG PEOPLE AGEING OUT OF CARE

Physical and social isolation, a lack of monitoring mechanisms, and barriers to public access all enable widespread violence and abuse in care facilities.

—Bulgaria chapter

Children in residential care facilities are not protected by the state as standards for residential care do not exist.

—Bosnia and Herzegovina chapter

The most common theme identified in the 12 country chapters can be captured by the term institutionalization. Living in large residential care facilities is clearly harmful to most young people as their rights are regularly violated, including in the following ways:

- physical and psychological abuse in residential care facilities;
- institutional stigma;
- a failure to meet the educational, health, and psychological needs of young people growing up;
- a lack of individualization;
- the geographical and emotional separation from parents; and
- a failure to adequately prepare and support young people into adulthood.

Other violations identified in the chapters include:

- the failure to meet the needs of Roma children;
- the removal of children from families due to poverty or inadequate housing; and
- multiple transfers of children from one type of placement to another.

Official data sources and research on young people ageing out of care

As noted above, most of the countries have very limited data (or official statistics) on young people living in and ageing out of care. Calls for more systematic and enhanced official data as well as the monitoring of care leavers are recurring themes of this study. Indicators on housing, education, employment, training, health, and well-being would facilitate proper data collection. Reliable, systematic, and comparable official statistics and

monitoring data are essential to the design of appropriate child and youth care policies and programmes, both at the state and the NGO level.

Of the countries reviewed in this report, Poland is the only one where a number of research studies on young people have already been carried out. In the Czech Republic, no research has been undertaken specifically on care leavers, although this group has been included in other studies of vulnerable young people. In the other countries under review, no research or no comprehensive research has yet been carried out on young people ageing out of care.

KEY RECOMMENDATIONS FOR POLICY AND PRACTICE

Recommendations for all 12 countries include:

- establishing a new legal framework specifically for preparation and after-care services or strengthening the existing law; and
- drawing up a national strategy and clear standards for preparation and after-care services.

With respect to implementing law, policy, and practice, country chapters recommend:

- improving interdepartmental coordination at the national level;
- reducing the fragmentation of responsibilities among government departments; and
- enhancing local government interagency cooperation, including the involvement of NGOs.

Most chapters specifically call for the implementation of quality standards that comply with the United Nations Guidelines for the Alternative Care of Children and the Quality4Children standards to improve the quality of care, preparation, and after-care services.

Further recommendations include:

- working with families to prevent young people from being placed in alternative care;
- administering additional training, including for

- ‘guardians’, carers, and staff;
- systematically collecting more reliable official data;
- monitoring care leavers based on indicators such as education, employment, training, accommodation, health and well-being;
- conducting research into problems of and services available to young people leaving care;
- deinstitutionalizing care by shifting placement to family settings such as foster care and smaller children’s homes;
- enhancing links between young people and their families of origin;
- expanding the range and comprehensiveness of preparation and after-care services (such as housing and employment priority schemes; financial assistance; personal support; and crisis services);
- redoubling involvement with NGOs;
- encouraging greater involvement of young people in the development of preparation and after-care services;
- developing care leavers’ own support networks and related websites; and
- increasing public awareness of the problems and challenges faced by young people leaving care.

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SOS CHILDREN’S VILLAGES INTERNATIONAL

SOS Children’s Villages International is the umbrella organisation for more than 130 affiliated national SOS Children’s Village associations worldwide. SOS Children’s Villages is a non-governmental and non-denominational child-focused organisation that provides direct services in the areas of care, education and health for children at risk of losing parental care, or who have lost parental care. The organisation also builds the capacity of the children’s

caregivers, their families and communities to provide adequate care.

SOS Children’s Villages is an advocate for the rights of children without parental care and those at risk of losing parental care. Founded in 1949, its operations are guided by the spirit of the UN Convention on the Rights of the Child.

I MATTER CAMPAIGN

SOS Children’s Villages is running the *I Matter* campaign to improve leaving care conditions in Europe and Central Asia. The campaign is currently conducted in 21 countries. The vision of the campaign is for young people in all types of alternative care in Europe and Central Asia to be properly prepared for leaving care and to be able to access after care support. In running the campaign, SOS Children’s Villages uses the experience and expertise it has gained over the decades in the field of leaving care.

The *I Matter* campaign, which started in 2009 and will run until 2013, has three objectives:

- **More information shall be available on leaving care**
Awareness and knowledge are crucial when bringing about change. Conferences, roundtables, seminars and other events are organised. Briefing papers and other leaflets are published regularly.

- **Young people shall be the advocates of their rights**
The *I Matter* campaign supports young people with care experience in actively participating in the campaign. It therefore helps them to be involved in the shaping of legislation and practice on alternative care and also helps them to get involved in debates that concern them. The campaign is now strengthened by the International Youth Council, which consists of around 30 young people from the countries participating in the campaign.

- **Legislation and practice on leaving care shall be improved**

For more information please see:
<http://www.sos-childrensvillages.org/Focus-areas/Child-rights/Child-rights-issues/Pages/default.aspx>

AGEING OUT OF CARE

