# ASSESSMENT REPORT

of the alternative care system for children in

BENIN



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# **CONTENTS**

ACRON	YMS	3
EXECU	TIVE SUMMARY	4
LEGAL	AND POLICY FRAMEWORK OF BENIN	5
SHORT	DESCRIPTION OF THE CHILD CARE AND CHILD PROTECTION SYSTEM	6
PREVE	NTATIVE SERVICES	8
a.	Provisions for the protection of the family	8
b.	Services to strengthen the family	8
INFORM	/AL CARE	9
MOTIVE	ES FOR PLACEMENT	9
ADMISS	SION PROCESS	9
RANGE	OF CARE OPTIONS	10
a.	Formal or institutional care	10
b.	Child Adoption	11
C.	Foster Families	11
PREPA	RATION AND SUPPORT FOR CHANGE OF PLACEMENT AND LEAVING CAR	E.12
AUTHO	RISATION/INSPECTION	13
FUNDIN	IG OF ALTERNATIVE CHILD CARE	14
STAFF	CAPACITY	14
PROTE	CTION, VIOLENCE AND COMPLAINTS	15
a.	Educational violence	15
b.	Child protection mechanism in Benin	16
RECOM	IMENDATIONS	17
		10



## **ACRONYMS**

**ACRWC** African Charter on the Rights and Welfare of the Child.

CRC Convention on the Rights of the Child.

ILO International Labour Organisation

MFASSNHPTA Ministry of Family, Social Affairs, National Solidarity, Disabled and

Third Age

NGO Non-Governmental Organisation.
OVC Orphans and Vulnerable Children

**PSNPS** Policy Paper and National Strategies for Social Protection **ReSPESD** Network of Organisations for the Protection of Children in Need.

**SOSVE** SOS Children's Villages.

**TDH** Foundation Terre des Hommes.

UN United Nations
UNFPA UN Population Fund

**UNHCR** UN High Commissioner for Refugees

**UNICEF** United Nations International Children's Emergency Funds.



#### **EXECUTIVE SUMMARY**

By signing the United Nations Convention on the Rights of the Child (CRC) in 1990, the Government of Benin is committed to take care of all the children including those in need. At the national level, the Constitution of 11 December 1990 makes it an obligation for the State to protect all its children. The Code of Persons and Family passed into law in 2004 and sets out the responsibilities of each stakeholder when it comes to child care. These legal provisions have fostered the delivery of social services for vulnerable children including the protection of children in alternative care.

This vision of taking care of children who lost parental care or who are at risk of losing parental care is widely agreed. SOS Children's Villages, together with other global child care organisations or networks, put in place a working group called "Quality for Children". The efforts of this working group led up to the development of the United Nation Guidelines for the Alternative Care of Children (hereinafter referred to as UN Guidelines).

The adoption of the UN Guidelines by the SOS Children's Villages General Assembly has aroused the need of a global campaign called "Care for me". Many countries have committed themselves to take part in this campaign. Nevertheless, it is important to point out that the background data for the campaign should be provided by the assessment of the child care system of these respective countries.

As a matter of fact, the current report provides an analysis of the national alternative child care system in the Republic of Benin as well as its legal background and how it is conducted by the different stakeholders.

This report summarises and provides an in-depth analysis of various secondary data collected from government child care activities, non-governmental alternative child care programmes, international child care organisations as well as interviews with key stakeholders in the area of alternative child care in the Republic of Benin.

The partners involved in the process of development of the present report are: government actors for national policy of child protection in Benin, non-governmental organisations, may they be confessional or non-confessional, that are actively taking part in the protection of children (orphanages, protection centres, day-care centres), UN agencies and other international institutions that provide their support to child protection processes and strategies like (UNICEF-Benin, UNHCR, ILO, UNFPA), educational system actors (educators of maternal and primary schools, pupils, educationalists), children of the community and/or living in residential organisations or institutions (children of SOS families and orphanages), parents in the community (men, women) who have extended knowledge when it comes to child care topics.



#### **LEGAL AND POLICY FRAMEWORK OF BENIN**

Alternative child care in Benin is based on the following legal framework and strategic documents:

- UN Universal Declaration of Human Rights;
- UN Convention on the Rights of the Child;
- UN Guidelines for the Alternative Care of Children
- Constitution of the Republic of Benin, 11 December 1990 (in Articles 8,18.2,18.4 and 16.2);
- Code of Persons and the Family in the Republic of Benin and its implementing regulations from 2004<sup>1</sup>;
- Penal Code of the Republic of Benin
- Decree No. 95-191 of 24 June 1995 related to the procedures for administrative authorisations for the exit from the national territory of minors under eighteen years old;
- Law No. 2006-04 of 10 April 2006 on travel conditions of minors and fight against child trafficking in the Republic of Benin and its implementing regulations;
- Decree No. 2012-416 of 6 November 2012 that is connected with the Norms and Standards of Alternative Child Protection Centres

The main strategic documents consulted are:

- Document of Growth Strategy for Poverty Reduction for the period 2011-2015. For the government of Benin, the rationale for this document is to ensure that children are taken care of by their biological families thanks to the reduction of poverty within the communities:
- Document of national policies and strategies to protect the child supported by a budgeted Action Plan (2007-2012):
- The Policy Paper and National Strategies for Social Protection (PSNPS) 2004-2013 presents the vulnerabilities and risk in Benin and offers strategies for effective social protection. Children, people with disabilities, women, elderly people, unemployed young graduates and AIDS victims are identified as vulnerable groups.
- The Strategic Plan 2013-2017. With a vision, "the Ministry of Family, Social Affairs, National Solidarity, Disabled and Third Age (MFASSNPTA) in the context of decentralisation is a powerful and innovative centre of excellence in the field of social protection, social development, solidarity and gender promotion, serving the vulnerable" The overall objective is "to improve the well-being of the people contributing to the strengthening of social protection, national solidarity and social development."<sup>2</sup>

There is a database on child protection (CHILDPRO) developed in 2007 with the support of UNICEF and USAID in the Regional Offices of the Ministry of Family. The data base is supposed to centralise data collection. Despite the existence of the aforementioned database, systematically collected data are not available; they exist so scattered with various

<sup>&</sup>lt;sup>1</sup> http://genderindex.org/country/benin

<sup>&</sup>lt;sup>2</sup> Strategic plan 2013 – 2017, MFASSNHPTA, November 2012



actors that the data base is almost unusable. The only data that are assumed to be systematically collected are the data from the General Census of Population and Housing. These data were collected in 2002 and do not reflect current realities.

The most significant legal change recorded in the country over the past few is related to the law No. 2012-416 of 6 November 2012 that is connected with the norms and standards of Alternative Child Protection Centres. The aim of this law is to fight against the disorder in the field alternative child care as implemented by many stakeholders in the country. Besides, the development and transmission to the National Assembly of the draft law on Child's Code has made it possible for many actors in child care to initiate ongoing advocacy activities for the adoption of the Code.

The main violations of child's rights that are observed or reported are as follows: the stigmatisation of Orphans and Vulnerable Children (OVC) especially children affected or infected by HIV/AIDS, economic exploitation of children, abandonment of children because of poverty, rape of girls, sexual harassment, and emotional abuse in institutions and child trafficking.

# SHORT DESCRIPTION OF THE CHILD CARE AND CHILD PROTECTION SYSTEM

According to the national census of 2013, there are 9.983.884 inhabitants including 5.115.704 women in the Republic of Benin<sup>3</sup>. Children and young people are a big component of the population of Benin. In fact, INSAE (2013) suggests that the number of children between 5 and 17 years old is 1.954.520 including 664.537 children who work in markets across the country.

In 2008, there were about 97 orphanages and related centres that were taking care of nearly 7000<sup>4</sup> children in Benin. Many other unlisted centres operate clandestinely. In 2011, 78% of children in the centres were without legal status compared to 22% in the visited seven orphanages<sup>5</sup>. Less than 1% of the annual state budget is allocated to the social sector including child protection, national solidarity and the support to the old people.

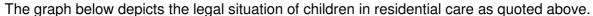
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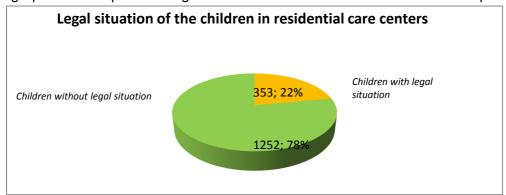
<sup>&</sup>lt;sup>3</sup> INSAE (2013) "Resultats provisoires du RGPH4"

<sup>&</sup>lt;sup>4</sup> According to the orphanages list realized in 2008, by the ministry in charge of family in Benin

<sup>&</sup>lt;sup>5</sup> Studies about norms and standards in child protection centres in Benin (orphanages, transit centre, specialized centre) May 2011







Source: Ministry of Family, Social Affairs, National Solidarity, the Disabled and People of the Third Age, 2011

The present assessment suggests that there is a tremendous difference between the legal framework on child protection and the implementation of this legal framework on the ground. The living conditions of children in several residential institutions or centres are difficult, sometimes even worse than the previous conditions of these children.

Youth in care networks, associations of foster families and associations of parents with children in alternative care centres are also identified actors involved in the debate on the issue of alternative child care system.

Alternative child care is a diversified sector where informal care competes with the formal care options. The State often hijacks initiatives that come from NGOs or external development interventions. Apart from non-governmental organisations, UN agencies are key actors in the protection of children as well as in the definition of policies that support the provision of services. The reforms planed as part of the conventions are often not implemented or inefficient due to the low budget allocated by the government for this sector (0.37% in 2012)<sup>6</sup>. Indeed, child protection is an insignificant sector, despite its importance, when it comes to budget allocation.

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<sup>&</sup>lt;sup>6</sup> Strategic plan 2013- 2017 of MFASSNHPTA – November 2012



#### **PREVENTATIVE SERVICES**

# a. Provisions for the protection of the family

At the state level, the Ministry of the Family (MFASSNHPTA) is responsible for a fund called the *Support Fund for National Solidarity and Social Action*. The fund provided support for emergency assistance, assistance for the poor, medical care, assistance for the "very needy children" [both of whose parents are deceased], child care for multiple births, such as triplets. These funds are disbursed through the Social Promotion Centres and can be considered as an action of both, intervention and prevention based on the type of child and family benefits.

Children's clubs, teachers, social workers, police and community committees focused on the child, children themselves and communities often play the role of guidance or reporting as regard child rights violations.

# b. Services to strengthen the family

For services to strengthen the family, SOS Children's Villages Benin and Terre des Hommes Foundation (TDH), are identified as currently offering this type of service.

SOS programmes, as part of family strengthening, as found out by the current assessment, are called *Family of Origin*. At the time of the study, *Family of Origin* supports 700 children in their biological families within the community regardless of the other children who are offered family-based care in SOS families. These specific programmes are available only in areas where SOS programmes exist: Abomey-Calavi in the Atlantic Department, Dassa- Zoumè in Zou Department and Natitingou in Atacora Department.

Currently (2013), Terre Des Hommes (an NGO from Switzerland), in partnership with the Ministry of Family, and UNICEF is piloting a project connected with family strengthening. Since 2010, a network of 20 foster families, where children spend one to 21 days when they are repatriated from Nigeria and elsewhere, has been established. The Ministry of the Family has a selection committee that identifies these foster families. This is considered a pilot project; based on its success, it could be extended to other organisations.

Support services are not available. No data demonstrate their existence. Some rare NGO support the families in this initiative by proposing them micro-credit programmes that enable the families to run an income generating activity in order to gain financial self-sufficiency; this is for example what SOS Children's Villages Benin does as part of its Family of Origin Programme.



#### **INFORMAL CARE**

Different forms of alternative care coexist with traditional forms, called "vidomègon" (a child placed with another person) noted in communities. The most common is the child care from relatives or extended family. This option is part of the system of solidarity within communities. But investigations reveal that this form of child care is undermined by growing poverty, increasing the number of orphans due to the growing effects of HIV/AIDS, as well as the uncontrolled proliferation of institutional care centres that definitely encourage the placement of children in informal care.

#### MOTIVES FOR PLACEMENT

For a number of reasons the authors of this report were unable to include some information under this heading. These reasons could include a lack of financial resources, a lack of available data in the country, and/or safety and security concerns for staff and programmes in the country.

#### **ADMISSION PROCESS**

As mentioned before, the child care sector in Benin works without standards. Each player provides support in accordance with its capabilities. Responsibilities are not clearly established. In most cases, care organisations or centres define what they do and how they do it.

In practice, a small number of residential care centres or organisations including SOS Children's Villages, Shelter Don Bosco and Salesian Sisters among others, apply a rigorous admission process according to pre-defined and publicly known criteria. Each centre actually admits children according to its budget and services.

The new Decree 2012 - 416, related to the Norms and Standards of Alternative Child Care Centres, in Article 12 settles the aforementioned issue. But this decree has not yet been applied because of a moratorium that should enable the concerned centres or organisations to comply with the new standards.

Nevertheless, the procedure for placement in foster families is clearly defined as part of the partnership among the Government, UNICEF and TDH (Terre des Hommes). In this context, foster families are selected by the steering committee of the innovative programme. The selection of the families is made after a thorough social survey conducted by a joint team of the Ministry of the Family and TDH. After training, families agree to act as foster families by signing a one-year renewable contract. Project activities are still in their experimental phase and there is no evaluation available yet to assess the actual implementation of these provisions.

The Decree 2012–416, related to the Norms and Standards of Alternative Child Care Centres, insists in Article 3 on some key principles like non-discrimination, development and



support to families for the prevention of an unnecessary separation of families when considering an option of child care. According to this article, poverty alone should never be the primary justification for removing a child from his or her family environment for placement in an institution.

## **Child Participation:**

Child participation, whenever it exists, is insignificant in the placement process. In the majority of cases, every decision is made on behalf of the children because they are considered as immature human beings.

In practice, a child is considered as an immature person; that is why the decisions which are connected to him or her are made without the child, except in exceptional cases. The children's right to participation is less promoted in Benin. Even if the child participates, the child's point of view is not considered. The care processes widely marginalise the opinions of children.

#### **RANGE OF CARE OPTIONS**

Alternative child care centres and organisations are responsible for providing short or long term support for children in need, protection of minors against trafficking and economic exploitation, support and accommodation of vulnerable children, family reintegration, training and socio-orientation of children and youth, as well as support during early childhood among others.

Alternative child care practices are mostly informal. Before the Decree 2012-416, there was no regulation on how alternative care facilities should be organised. Nevertheless, it is still the case that roles and responsibilities are not clearly defined among all stakeholders. Each child care centre or organisation has its own standards that often differ from the norms implemented in other organisations.

#### a. Formal or institutional care

Chart 1: Localisation of active child care organisations and the children under care per department

Jan 2007 - Sept 2008					Oct.	2008 -	Dec. 201	0	Jan 2007 - Dec. 2010			
	Active Structures		Children under care		Active Structures		Children under care		Active Structures		Children under care	
Department	#	(%)	#	(%)	#	(%)	#	(%)	#	(%)	#	(%)
Alibori	10	6,3	212	2,0	4	3,5	242	3,5	11	5,0	454	2,6
Atacora	9	5,7	599	5,7	18	15,8	720	10,4	22	9,9	1 319	7,6
Atlantique	22	13,8	635	6,1	7	6,1	215	3,1	25	11,3	850	4,9
Borgou	16	10,1	522	5,0	13	11,4	831	12,0	21	9,5	1 353	7,8
Collines	10	6,3	1 253	12,0	10	8,8	255	3,7	14	6,3	1 508	8,7
Couffo	11	6,9	196	1,9	13	11,4	393	5,7	21	9,5	589	3,4



Donga	5	3,1	444	4,3	8	7,0	656	9,5	9	4,1	1 100	6,3
Littoral	15	9,4	1 005	9,6	5	4,4	707	10,2	15	6,8	1 712	9,9
Mono	22	13,8	2 557	24,5	4	3,5	182	2,6	24	10,8	2 739	15, 8
Ouémé	14	8,8	1 229	11,8	8	7,0	1 368	19,8	18	8,1	2 597	15, 0
Plateau	11	6,9	772	7,4	5	4,4	624	9,0	14	6,3	1 396	8,0
Zou	14	8,8	1 016	9,7	19	16,7	723	10,5	28	12,6	1 739	10, 0
Total	159	100	10 440	100	114	100	6916	100	222	100	17 356	100

Source: MFASSNHPTA: these data are collected at the local community system for child protection in Benin (ChildPro); 2007-2010

From one locality to another, appropriate institutions are few and far from children under care. There is a high concentration of child care services in the southern part of the country.

# b. Child Adoption

The issue of adoption is usually part of a legal framework. Therefore, the efforts to change the previous provisions under this type of child care involve related bodies like the court<sup>7</sup>.

#### c. Foster Families

SOS Children's Villages is the main player that offers a long-term (from 0 to 23 years) residential family-based child care in the Republic of Benin. Other organisations, such as the Salesian Sisters and Don Bosco Centre, care for children on a short-term basis.

The ongoing experience with TDH, UNICEF and the Ministry of the Family could be extended to all departements, if the results of this pilot project are encouraging.

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<sup>&</sup>lt;sup>7</sup> Persons and Family code, article 264-81



# PREPARATION AND SUPPORT FOR CHANGE OF PLACEMENT AND LEAVING CARE

Apart from a few centres or organisations such as SOS Children's Villages, the centre of the Salesian Sisters, and Don Bosco, the process of leaving alternative child care in many structures is not governed by any guideline. In the aforementioned organisations or centres, tremendous efforts are made to prepare the child, in a participatory way, to properly exit alternative child care. This report suggests that the preparation to exit alternative child care is insufficient and often ineffective. All structures without exception are concerned with this issue. Surveys of children who became independent (self-reliant) confirm this assertion. More than 50 % of children who have left alternative child care encounter some difficulties to adjust to the life of their various communities. (Ministry of Family, Social Affairs, National Solidarity, the Disabled and People of the Third Age, 2011.)

Comprehensive data are not available in this area. Each structure has its own statistics. Currently, the national system cannot afford to collect such data making the existing one quite unusable.

There are almost no continual follow up measures when one child must be reunited with his or her biological family. Very few institutions or organisations have appropriate follow up procedures. Through the temporal visit of children to their biological families during holidays, the biological parents' visits to the children in the care of SOS Children's Villages is developing an approach which tend to make easy the children reintegration in their families.



#### **AUTHORISATION/INSPECTION**

The control system of the children after their placement in alternative care is almost non-existent. This denotes a process that is largely outside the scope of the State in an area that it is supposed to be under its control.

There is no procedure to control the quality of services offered in alternative child care. Organisations that are obliged to abide by such constraints are those that depend on global federations or networks applying the UN Guidelines such as SOS Children's Villages.

It was not possible to collect information on non-registered and non-authorised alternative child care institutions. In fact, without norms and regulations in alternative child care, it has never been possible to identify the centres that operate illegally. There is no clarity in the mechanisms of authorisation and licencing procedures for private and public orphanages. The creation and installation of orphanages and centres do not follow any regulations in Benin. Most of these structures have an association status based on the Associations Bill of 1901<sup>8</sup> and operate as any association of money collection for example. These structures therefore operate without standards. The effective implementation of the new decree 2012-416 could make it possible to control and regulate alternative child care centres.

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<sup>&</sup>lt;sup>8</sup> This law dates back to 1901 and it enables two people or more to create an association, a non-profit organisation called an "Association culturelle". <a href="http://www.associanet.com/europe/loi1901-eg.html">http://www.associanet.com/europe/loi1901-eg.html</a>



#### **FUNDING OF ALTERNATIVE CHILD CARE**

The UN agencies are the main funding sources of alternative child care organisations and centres in the country, the priorities of the State being education, health and drinking water. There is also a lack of clarity in the funding processes of all forms of alternative child care in Benin.

According to various promoters, private residential institutions would be funded primarily by personal and private means. Technical and financial partners contribute enormously. But these two funding sources expose institutions to vulnerability as the technical and financial partners do not continually support but rather provide their financial help according to their current priorities (which are not always in harmony with the socio - economic and political situation in the country).

According to investigations, external funding is composed of grants, donations in kind (food, books and supplies, miscellaneous equipment, clothing and others) as well as money-gifts. Some partners recruit staff for the alternative child care centres. For large organisations such as SOS Children's Villages, the financing is done through the collection of international funds by SOS Children's Villages associations in Europe and North America, local and international sponsorship, donations and grants.

The data on the current project conducted by the TDH in collaboration with UNICEF and the Ministry of Family shows that TDH pays a daily amount of 1,500 FCFA (2.28 EURO) per child to cover the expenses incurred by families. As far as the terms of payment are concerned, money is paid at the end of the stay of the child in the foster family.

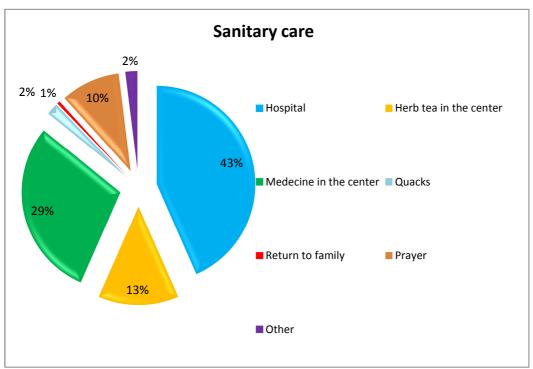
# **STAFF CAPACITY**

People are been recruited in the public child care institutions according to the standards in place in the public service. In the private institutions and organisations, the recruitment of child care co-workers is done without standards except for some organisations like SOS Children's Villages that recruit on the basis of strict principles. However, the new Norms and Standards of Alternative Child Care Centres (Nr 2012-416), require a minimum professional qualification to take care of children according to their age and their specificities.



# PROTECTION, VIOLENCE AND COMPLAINTS

The graph below depicts the solutions provided to children by alternative child care organisations and centres to health care issues in the Republic of Benin.



Source: Ministry of Family, Social Affairs, National Solidarity, the Disabled and People of the Third Age (2011)

Many denunciation and repression strategies about the violation of children's rights have been developed through the creation of local committees for child protection, local leaders work groups, green phone numbers (i.e. helplines), local consultative children committees and executive children councils.

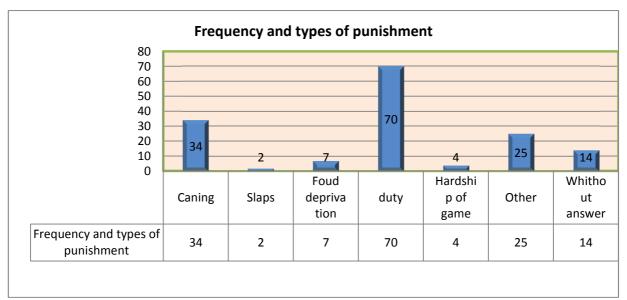
The denunciation of the cases of violence against children is no more a taboo subject. However, sometimes, retrograde socio-cultural beliefs facilitate the trivialisation of the violations of children's rights making it impossible to provide appropriate responses to such child rights violations.

#### a. Educational violence

The alternative child care system in Benin has always worked in a non-organised manner. Currently, it is very difficult to adequately report what is happening in child care field on the ground. The national care system is not unified and reveals many paradoxes. Only the proper implementation of the Norms and Standards related to Alternative Child Care Centres will enable to really reveal practices on the ground. Many centres use various forms of punishment including physical violence (corporal punishment) or privations (food, affection, etc.) for children<sup>9</sup>.

<sup>9</sup>Studies about norms and standards in receipts centers and orphanages for children in difficult





Source: Ministry of Family, Social Affairs, National Solidarity, the Disabled and People of the Third Age, 2011.

#### b. Child protection mechanism in Benin

The cartography of the national child protection system in 2011 suggested that there is a concentration of child care centres more in urban areas than in rural places. Many children live far from their families. Interviews with children who are taken care of in different centres showed this reality.

"In Benin, the Youth Protection Brigade, based in Cotonou, houses a system of recording and managing information related to offences against children, using a software programme called, "Children of Benin", with the aim of producing statistics.

The Brigade manages the corresponding database and transmits the consolidated and aggregated data to the Ministry in charge of Protection, while keeping information about the offenders and children confidential."<sup>10</sup>

"Benin provides an example of a national system of monitoring cases of rights abuses based on completing a unique child identification form. This form allows for the collection of information that goes beyond the basic (sex, age, nationality and region). It is divided into three parts – profile of the structure, profile of the child and modules specific to the rights abuses recorded – and allows for the collection of disaggregated information on characteristics of the child, his/her educational and family status, the characteristics of the parents/guardians, the services involved and the measures undertaken, and the conditions and characteristics of the rights abuse and the offender. The variables noted can therefore

situation protection in Benin, Ministry of the Family, 2011

www.unicef.org/wcaro/english/regional review of child protection information and monitoring systems in West and Central Africa.pdf



capture the multiple dimensions of the child's situation, and make it possible to analyse the factors of vulnerability, as well as an evaluation of protection services and measures."11

According to the cartography of the national child protection system quoted above, the children categorisation testify that many available services are not equitably available for children who are in need.

The surveys showed that the SOS Children's Villages system contains rules which are not established by the national law but rather originate from rules coming from the UN Guidelines.

# **RECOMMENDATIONS**

- 1. Conduct an advocacy campaign including lobbying activities towards the Government to ensure that quality care is provided to every child in the Republic of Benin.
- 2. Empower communities and other child care stakeholders to adopt and promote social and cultural practices that enable children to enjoy adequate family care and to actively participate in their own development.
- 3. Promote synergic actions of all stakeholders involved in the alternative care of children through dynamic platforms and networks of dialogue.
- 4. Set up an operational plan to monitor abuses and improve data collection on the alternative care of children.
- 5. Empower and support local child care organisations and networks to comply with the Government Norms and Standards of Alternative Care.
- 6. Conduct a dynamic lobbying campaign so that the Government can adopt the Child Code that is supposed to guarantee extended rights to children.
- 7. Promote the Decree 2012-416 on the Norms and Standards applicable to alternative care and child protection in Benin as well as the UN Guidelines for the Alternative Care of Children among child care organisation and centres.

<sup>&</sup>lt;sup>11</sup> Ibid



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