

## Chapter 2: International Standards Summary

### U.N. Convention on the Rights of the Child, Resolution 44/25

#### The Importance of Family

Preamble	The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding, the family being the fundamental group of society and the natural environment for the growth and wellbeing of all its members.
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Article 7	The child has the right, as far as possible, to be cared for by his or her family.
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#### The Responsibility of the State

Article 3	Responsibility of the State to ensure that institutions, services, and facilities responsible for the care or protection of children conform with standards established by competent authorities.
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Article 18	For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities, and services for the care of children.
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Article 20	The State has the responsibility to support the provision of alternative care when children are deprived of parental care with preference for foster, Kafalah, adoption, or institutional placement as possible forms of alternative care; institutional care, and intercountry adoption are to be used only if necessary.
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#### Non-Discrimination

Article 2	States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth, or other status.
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Article 23	Children with intellectual or physical disabilities have a right to live in conditions that ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.
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### Guidelines on the Alternative Care of Children A/Res/64/142

#### The Importance of Family

Article 3	The family being the fundamental group of society and the natural environment for the growth, wellbeing, and protection of children, efforts should be directed primarily to enabling the child to remain in or return to the care of his or her parents, or when appropriate, other close family members.
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Article 4	Every child and young person should live in a supportive, protective, and caring environment that promotes his or her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment.
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Article 11	All decisions concerning alternative care should take full account of the desirability in principle of maintaining the child as close as possible to his or her habitual place of residence in order to facilitate contact and potential reintegration with his or her family and to minimise disruption of his or her educational, cultural, and social life.
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Article 14	Removal of a child from the care of the family should be seen as a measure of last resort and should, whenever possible, be temporary and for the shortest possible duration.
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Article 15	Financial and material poverty, or conditions directly and uniquely imputable to such poverty,
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	should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his or her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.
<b>The Responsibility of the State</b>	
Article 5	Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, wellbeing, and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided.
Article 125	The competent national or local authority should establish rigorous screening procedures to ensure only appropriate admissions to residential facilities are made.
Article 128	Agencies, facilities, and professionals involved in care provision should be accountable to a specific public authority, which should ensure, inter alia, frequent inspections comprising both scheduled and unannounced visits, involving discussion with and observation of the staff and the children.
<b>On Residential and Alternative Care</b>	
Article 21	The use of residential care should be limited to cases where such a setting is specifically appropriate, necessary, and constructive for the individual child concerned and in his or her best interests.
Article 22	In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of three years, should be provided in family-based settings. Exceptions to this principle may be warranted in order to prevent the separation of siblings and in cases where the placement is of an emergency nature or is for a predetermined and very limited duration, with planned family reintegration or other appropriate long-term care solution as its outcome.
Article 23	While recognizing that residential care facilities and family-based care complement each other in meeting the needs of children, where large residential care facilities remain, alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination. States should establish care standards to ensure the quality and conditions that are conducive to the child's development, such as individualized and small group care, and should evaluate existing facilities against these standards. Decisions regarding the establishment of, or permission to establish, new residential care facilities, whether public or private, should take full account of this deinstitutionalization objective and strategy.
Section 2, Articles 80–117	These articles describe all general conditions that apply to all forms of formal alternative care such as transfer of the child into care, contact with the family, food and nutrition, education and training, play and leisure, etc.

Article 123	Facilities providing residential care should be small and be organized around the rights and needs of the child, in a setting as close as possible to a family or small group situation. Their objective should generally be to provide temporary care and to contribute actively to the child's family reintegration or, if this is not possible, to secure his or her stable care in an alternative family setting, including through adoption or Kafala where appropriate.
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### On Care Leaving

Article 131	Agencies and facilities should have a clear policy and should carry out agreed procedures relating to the planned and unplanned conclusion of their work with children to ensure appropriate aftercare and follow-up. Throughout the period of care, they should systematically aim at preparing children to assume self-reliance and to integrate fully in the community, notably through the acquisition of social and life skills, which are fostered by participation in the life of the local community.
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### United Nations Convention on the Rights of Persons with Disabilities

Article 19	Requires States to ensure that people with disabilities have access to services necessary to support living and inclusion in the community; and to prevent isolation or segregation from the community.
Article 23	State parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

### African Charter on the Rights and Welfare of the Child

Preamble	Recognizing that the child occupies a unique and privileged position in the African society and that for the full and harmonious development of his personality, the child should grow up in a family environment in an atmosphere of happiness, love, and understanding,
Article 4	In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration.
Article 13	Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his or her physical and moral needs and under conditions that ensure his or her dignity, and promote his or her self-reliance and active participation in the community.
Article 18	The family shall be the natural unit and basis of society. It shall enjoy the protection and support of the State for its establishment and development.
Article 19	(1) Every child shall be entitled to the enjoyment of parental care and protection and shall, whenever possible, have the right to reside with his or her parents. No child shall be separated from his or her parents against his or her will, except when a judicial authority determines in accordance with the appropriate law that such separation is in the best interest of the child; and (2) Every child who is separated from one or both parents shall have the right to maintain personal relations and direct contact with both parents on a regular basis.
Article 20	(1) Parents or other persons responsible for the child shall have the primary responsibility of the upbringing and development the child; and (2) States Parties to the present Charter shall in accordance with their means and national conditions take all appropriate measures (a) to assist parents and other persons responsible for the child and in case of need provide material assistance and support programs particularly with regard to nutrition, health, education, clothing, and housing; and (b) to assist parents and others responsible for the child in the performance of child rearing and ensure the development of institutions responsible for providing care of children.