

xxiii ASSOCIATION “COMUNITÀ PAPA GIOVANNI XXIII”

CHILDREN WITHOUT PARENTAL CARE

COMMITTEE ON THE RIGHTS OF THE CHILD

Day of General Discussion

Friday, 16 September 2005

OHCHR (Palais Wilson, Geneva)

THE COMMUNITY OF POPE JOHN XXIII

The 'Comunità Papa Giovanni XXIII' (Community of Pope John XXIII) is an International Association of the Faithful of Pontifical Right, recognised by the Italian Government with DPR no. 596 of 05/07/1972.

The members of the Association are committed to sharing their life directly with the poor and the least and, as a result of this, to trying to remove the causes of injustice, social exclusion, neglect of human rights and conflicts of various kinds.

The Association is based in Italy and is also present in: Albania, Australia, Bangladesh, Bolivia, Brazil, Chile, China, Croatia, Kenya, India, Israel, Moldova, Palestine, Romania, Russia, San Marino, Sri Lanka, Tanzania, Venezuela and Zambia.

It carries out a wide range of projects and has centres of various kinds which work in favour of: children, adolescents and adults in difficulty; unborn babies; orphans; children and adults with disabilities; substance abusers; alcoholics; homeless people; the elderly; prisoners; nomads; people affected by HIV/AIDS; women enslaved for the purpose of sexual exploitation; immigrants; refugees and victims of war.

THE METHOD OF 'SHARING'

Sharing life directly with the poor, marginalised and oppressed is the guideline for all interventions of the Community of Pope John XXIII. The most profound needs of children, and of every person, are knowing that someone cares about them and their life, and of being loved in a unique, personal, individual and continuous way.

In particular, children who have been deprived have a deep need to feel that they have been 'chosen' by somebody. Children need to be loved, to build up strong interpersonal relationships and to develop their self-esteem in order to grow up in an healthy and harmonious way. All this is possible only through the meeting of 'life with life', that is, through people who commit themselves to the child and take care of him/her. Therefore, children need to have a meaningful educational relationship with a meaningful 'you'. Sharing life answers these deep needs.

Sharing life goes beyond the concept of service. Service implies a user-supplier relationship between the receiver and the giver of help. It contributes to the relief of suffering but it does not change the structure of human relationships. Sharing life, however, eradicates the barriers, castes and separations created by human beings, which are the root causes of oppression. The distinction between the receiver and giver disappears: everybody shares his/her own abilities and difficulties, building a community which deeply renews relationships among people.

Sharing life goes beyond assistance: instead of giving bread to the hungry, they are invited to sit at the table with us; instead of placing children in institutions, they are welcomed into our families.

Therefore, the Community of Pope John XXIII does not act *for* the poor but *with* the poor, enabling them to have an active role in their liberation.

PRAXIS FOLLOWED BY THE COMMUNITY OF POPE JOHN XXIII IN IMPLEMENTING THE RIGHTS OF CHILDREN WITHOUT PARENTAL CARE

Sharing life with children implies guaranteeing and safeguarding their rights. It also implies helping the child to develop individual awareness, self-determination abilities, positive relationships and solidarity with others. Through experience gained throughout the years, by sharing life with people in need and, in particular, with children without parental care, the Association has developed different forms of intervention which aim mainly at:

1. Prevention of the unnecessary removal of children from their family of origin;
2. Welcoming children into families or family-like structures;
3. Promoting the insertion of children into families.

These methods of intervention have been widely experimented with and can be considered ‘exportable models of intervention’ which can be implemented in different parts of the world.

1. PREVENTION OF THE UNNECESSARY REMOVAL OF CHILDREN FROM THEIR FAMILY OF ORIGIN

The Association is committed to preventing children from being unnecessarily removed from their family of origin in all the countries in which it is present. Over the years, we have witnessed a reduction in the level of parental ability to create a suitable family environment for the harmonious and serene growth of the child. This is mainly a result of poor economic and cultural conditions, the spread of diseases like HIV/AIDS, social problems and the increase in being ‘uprooted’ from one’s area of origin. However, if the family of origin is adequately supported, it can recover its parenting abilities and potential. Therefore, the first intervention should be addressed to the child’s family of origin, which must be helped to overcome the economic and social difficulties which prevent it from carrying out its task. With regards to this, the projects and interventions carried out by the Association can be summarised as follows:

- ‘LONG DISTANCE ADOPTION’. Through this project, economic support is given to families of origin to help them take care of their children. The missionaries present in the area visit families regularly and advise them on how to use money in the child’s best interests.
- DAY CENTRES FOR CHILDREN IN NEED. These are centres where children and teenagers in need are welcomed during the day. This helps both the children and their families of origin. Recreational and educational activities are carried out in order to develop children’s abilities and social skills and to increase their self-esteem. When necessary, and possible, we also work with the families and help them to develop their parenting skills, through self-support groups and listening centres.
- FOSTER DAY CARE. In this way, children are welcomed by a foster family during the day in order to help the families of origin who, due to work or other reasons, cannot take care of their children at this time.

METHODS OF INTERVENTION	COUNTRIES
‘Long distance adoption’	Albania, Bangladesh, Bolivia, Brazil, Chile, China, Kenya, India, Russia, Tanzania, Zambia.
Day centres	Albania, Bangladesh, Bolivia, Brazil, Chile, Croatia, Kenya, Zambia.
Foster day care	Italy, Brazil, Chile, Russia.

Parental care of AIDS orphans in Sub-Saharan Africa

The Association is present in Sub-Saharan Africa, where it pursues the same objectives of keeping children in their families of origin or extended families, thus helping to avoid their institutionalisation. This is particularly true in the case of AIDS orphans, a phenomenon of increasing social dimensions. According to recent UNAIDS figures, there are about 11 million AIDS orphans in Sub-Saharan Africa. Despite being aware of the alarming social dimension of this problem, the Association reaffirms that the institutionalisation of children is an inadequate answer to their needs and rights. According to research carried out by our Association in 1997, the traditional, African extended family represents a feasible answer to the emergency of orphans, if properly supported.

Out of these and other considerations the Rainbow model of intervention was developed. This project has been implemented in Zambia, Tanzania and Kenya. The aims of the Rainbow model are: to reach and help the largest possible number of children; to encourage the placing of children in families through the traditional extended family model and avoid, as much as possible, any kind of institutionalisation; to support families who welcome orphans, both psychologically and materially; to make the nation aware of this humanitarian emergency. Families are supported in a variety of ways which include: helping and listening centres; awareness and support groups; educational support; nutrition centres and emergency shelters. The project is carried out in cooperation with local social services and public bodies and institutions. It is a member of LARC, a network of associations and NGOs for the safeguarding and promotion of children's rights in the Copperbelt region of Zambia.

Rainbow is a multi-sectorial project, designed to be implemented in all areas of the country and in different countries. It is not a new project to be added to the existing ones, it is rather a model which can be used to co-ordinate and link the organisations which are already operating in this field. In the year 2004, in Zambia, Tanzania and Kenya, Rainbow project helped with the reinsertion of 14,110 children into their extended families, supported 4,824 families in difficulty through e.g. the microcredit and nutritional support schemes and provided shelter and a family environment to 296 minors living on the streets.

2. WELCOMING CHILDREN INTO FAMILIES OR FAMILY-LIKE STRUCTURES

The objective of ensuring the child's right to a family starts from respecting his/her needs and fundamental rights. Every effort should be made to ensure the healthy and harmonious development of a child in his/her family of origin. However, when the family of origin proves to be inadequate and attempts to support it fail, the child's right to grow up in a family remains. Children who are removed from their families of origin have the right to have meaningful relationships, which are able to answer their deep needs to belong. This need can only be answered by a substitute family, or family-like structure, with stable and defined parental figures, who take on the role of mother and father. This is the reason why we regard institutions as an inadequate and unjust answer to children's needs since, even when they are super-equipped and have highly professional personnel, they cannot fully answer the most fundamental needs of children, due to their intrinsic nature. The real answer to these needs is foster care.

A child who is entrusted to new parents maintains both the psychological and spiritual need to know and be recognised by his/her natural parents, and therefore to maintain a relationship with them. Foster families offer a family environment and unconditional love to the child who is temporarily in difficulty, and they aim at his/her reinsertion in the family of origin. In this way, foster families become a resource and an important player in the social politics of minors. Foster care, in addition to the child, also involves the family of origin, the foster family, social workers, magistrates of the juvenile court, the tutelary judge and others. The success of a foster care project depends on the ability of the people involved to cooperate with each other and carry out their specific tasks in a synergic and harmonious way. With reference to this, legislations on national and international adoption should be revised. As the adopted child grows up, his/her need to know, meet and sometimes return to his/her natural parents increases. Whilst recognising the spirit of love of the adoptive parents, it is also necessary to listen to and take into account the adopted child's needs. Our Association has, for many years, promoted 'open' or 'semi-open' adoption, which is a form of adoption which allows the child, if he/she wishes, to maintain a relationship with one or both natural parents, either directly or through social services.

The above considerations have led the Association to promote and live out the welcoming of children in all countries in which it is present, through 'open families' and 'family-homes'.

- OPEN FAMILIES. The family is the natural place, as planned by God, to welcome children. An 'open family' is a family which, besides taking care of its own natural children, is available to welcome, temporarily or permanently, children who have been removed from or are without a family of origin. Therefore, it is not a matter of creating a new structure, but of recognising, giving value to and supporting the potential of existing families, which are a resource present everywhere in the world. The open family is the preferential way to help children who otherwise would be abandoned, thus avoiding child institutionalisation.

- FAMILY-HOMES. A family-home is a residential community which is organised just like a family. It is characterised by the continual and stable presence of parental figures - usually a married couple, with or without children - who welcome people deprived of an adequate family environment. Family homes aim at providing a caring and loving environment, through personal relationships, and at ensuring emotional development, education, support, hospitality and social life. They represent a unique way of welcoming based on daily family life. They are sometimes the only answer to the needs of people with very particular difficulties.

Family homes and open families can either complement or be an alternative to dysfunctional families of origin. The parental figures listen attentively to the child and his/her suffering, they observe his/her behaviour and cooperate with social services and other relevant bodies in the specific project for each child.

METHODS OF INTERVENTION	COUNTRIES	TOTAL NUMBER
Open Families	Bolivia, Brazil, Chile, Croatia, Italy, Zambia	108
Family Homes	Albania, Australia, Bangladesh, Bolivia, Brazil, Chile, China, Croatia, Kenya, India, Italy, Romania, Russia, Sri Lanka, Tanzania, Venezuela, Zambia	240

Human embryos: children without parental care

When considering the issue of children without parental care, we should not forget human embryos. A great quantity of human beings are produced ‘in vitro’ through techniques of artificial fertilisation and only some of them are transferred to a woman’s womb, while others are frozen for future use or thrown away because they have been overproduced or are believed to be defective. There are about 30,000 human embryos in Italy, 400,000 in the USA and at least 1,000,000 in the world who have undergone the inhuman practice of being frozen. Produced with the aim of giving a child to those who cannot have one naturally, they have been set aside and now have an uncertain future. Human embryos are children without parental care and we have a duty to take care of them, as the Convention on the Rights of the Child states in the Preamble, “*the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth*” and, in article 6, “*States Parties recognize that every child has the inherent right to life*” and “*States Parties shall ensure to the maximum extent possible the survival and development of the child.*” A small number of frozen human embryos (250 in Italy) are officially abandoned and therefore run the risk of being manipulated, used and destroyed. As a result of this situation, and being aware of the death threat undergone by these children, the Association has carried out actions in defence of life in both Italy and Spain and has been involved in debate in the United Kingdom. The actions carried out are:

- Promotion and awareness raising activities for the recognition of the human dignity of the human embryo.
- Political sensitisation for the recognition by the Italian Government of the right to life of the human embryo, asking first that natural parents will take care of him/her.
- Carrying out of a ‘Prenatal Adoption Project’. This project is based on the fact that human embryos are human beings and must therefore be safeguarded and given a possibility to be born and have a family. Many families of the Association have stated their availability to welcome one or more embryos each and give them the chance to be born. This availability is mainly addressed to: abandoned embryos, that is, embryos without parents; embryos who have been frozen for a long time, and are therefore more likely to be diseased or malformed; and embryos refused immediately after conception because there was evidence of disability.

3. PROMOTING THE INSERTION OF CHILDREN INTO FAMILIES.

In cooperation with local and national institutions and networks, the Community of Pope John XXIII, besides welcoming children into its own families, also carries out:

- Promotion of and awareness raising activities about foster care, as a way to give effective answers to many children who have been removed from or are without a family of origin;
- Formation of and support giving to foster families;
- Cooperation with political institutions and carrying out of political actions which aim at obtaining recognition by governments of the family as a preferential place for the welcoming of children and at the development of national plans which move beyond child institutionalisation.

RECOMMENDATIONS

- Taking into account the fact that human embryos are human beings and that at present there are millions of frozen human embryos, some of whom are abandoned and some of whom have parents, we recommend that governments ban any practice of artificial production of human embryos and, in relation to those who have already been produced, ban any form of manipulation, use or suppression. We also recommend that governments encourage the natural parents to take care of these embryos and, in case they are untraceable or they refuse, that they make ‘prenatal adoption’ possible for other couples.
- Taking into account the fact that the family of origin is the natural place for the growth of children, unless there are serious reasons (e.g. abuse and violence) which justify the removal of minors from this family, and considering that minors are often removed from their families of origin because of problems which can be overcome, we recommend the development of policies of social, economic and psychological support to families which aim at overcoming family difficulties. Other families may play an important part in this, through both giving their support and serving as educational role models.
- With regards to minors who have been removed from or are without a family of origin, we recommend that policies for the safeguard of minors recognise that substitute families or family-like communities are preferential places for the harmonious growth of the child. It is necessary to support this recognition with foster care sensitisation campaigns and the necessary financial help.
- Considering that there are many people and institutional bodies involved in the safeguarding of children without parental care (e.g. social services, juvenile courts, foster families, associations and others), we recommend establishing, following the principle of ‘horizontal subsidiarity’ and in the child’s best interests, a synergic procedure which aims to give value to and harmonise the specific tasks of each.
- Being aware of the fact that the current legislation on international adoptions may not be sufficient to prevent the taking away of children from poor families, we recommend increasing vigilance in countries at risk and strengthening the internal resources of these countries, respecting their customs and culture. With regards to this issue, we would like to express our concern about the Italian bill of law for the establishment of a form of ‘international foster care’. This may result in ‘do-it-yourself’ adoption or other kinds of pseudo-adoption which would not safeguard the rights of children to maintain their family and cultural ties but would, rather, favour adult-centred wishes and desires.