

# USER-FRIENDLY VERSION

## OF THE 2019 UN RESOLUTION ON THE RIGHTS OF THE CHILD FOCUSING ON CHILDREN WITHOUT PARENTAL CARE



SOS CHILDREN'S  
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### **About this publication**

This document summarizes the 2019 UN Resolution on the Rights of the Child focusing on children without parental care (A/RES/74/133) in an easy-to-follow way.

### **The publication is relevant for:**

Policy-makers, decision-makers, care professionals, social workers and all those working with and for children, including judges, lawyers, health professionals, teachers and government officers.

### **It can be used to:**

Inform about the content of the 2019 UN Resolution on the Rights of the Child, promote its implementation and raise awareness of the rights of children without parental care and at risk of losing parental care.

## INTRODUCTION

In 2019, the annual UN Resolution on the Rights of the Child focused, for the first time, on children without parental care. The resolution (A/RES/74/133) was adopted by the United Nations General Assembly on 12 November 2019.

This resolution calls for governments' action to realize the rights of children who have lost or are at risk of losing parental care.

It supports the fulfillment of all the rights enshrined in the United Nations

Convention on the Rights of the Child and promotes the Guidelines for the Alternative Care of Children<sup>1</sup> as key reference framework for alternative care. Although there is no legal obligation for governments to implement resolutions, their political value can influence and inform national and international law.

This document refers to the 2019 UN Resolution on the Rights of the Child as 'the resolution' or '2019 RoC Resolution' and each thematic section includes references to the respective paragraphs in the original text.

## Growing up in a family environment



Growing up in a family environment is critical to child well-being and development, and every child is entitled to it according to the United Nations Convention on the Rights of the Child<sup>2</sup>.

Through the resolution, governments commit to preventing unnecessary child-family separation, provide a range of solutions for quality alternative care for children who lack parental care, and enable family reunification.

*UN 2019 RoC Resolution paragraphs 21-24, 27-28, 32, 34, 35*

## Prevention of child-family separation



In many cases, it is possible to prevent the separation of children from their families through relevant family support programmes and actions. Through the resolution, governments commit to putting in place such measures and address the root causes of child-family separation.

Root causes that can lead to family separation include:

- Poverty and social exclusion. If children get into conflict with the law for offences out of material necessity, and are therefore separated from their families, poverty can be an indirect cause for the loss of parental care.
- Disability
- Migration
- Humanitarian crises or families fleeing conflict and war
- Climate change, contributing to displacement, natural disasters and humanitarian crises can put families under pressure and at risk of separation.

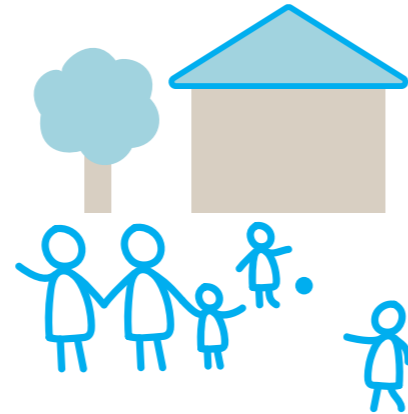
All of these circumstances should not be reasons for child-family separation and can be mitigated against through various measures. This means addressing economic, educational and social poverty, by ensuring access to adequate healthcare (including mental healthcare and psychosocial assistance), guaranteeing access to education, and providing training and employment opportunities to the heads of households.

Family-oriented policies reducing poverty, improving access to social protection and welfare services and collaboration among all relevant authorities in the child protection, health, education, and justice sectors should be priorities to support parents in providing for the material and emotional needs of their children. Supporting and training parents, caregivers, professionals and authorities is also paramount to significantly reduce the risk of child-family separation.

*UN 2019 RoC Resolution paragraphs: 28-31, 34 a-i, 35 p, s, t.*

<sup>1</sup> The Guidelines for the Alternative Care of Children help close the gaps in the implementation of the United Nations Convention on the Rights of the Child (UNCRC) for children without or at risk of losing parental care. See: [Guidelines for the Alternative Care of Children](#)  
<sup>2</sup> [United Nations Convention on the Rights of the Child \(UNCRC\)](#), adopted on 20 November 1989

## Provision of quality alternative care



Every child who has lost parental care is entitled to alternative care provided by the state.

Placing a child in alternative care is a measure of last resort. Only if child protection authorities consider it not safe and not in the best interests of a child to live with their parents, should the child be placed in alternative care. Child referral to the authorities and provision of appropriate and quality alternative care must be prompt and, whenever possible, aim for a reunification of the child with the parents.

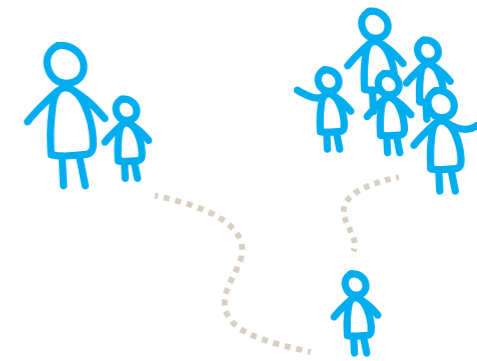
Through the resolution, governments commit to make a range of solutions for quality alternative care available to respond to the diverse individual needs and best interests of children. These should be assessed on a case-by-case basis, in line with the Guidelines for the Alternative Care of Children. This requires the allocation of economic and human resources, and taking specific legislative and administrative measures.

All alternative care options should be of quality, meeting the developmental and emotional needs of the child, and ensure their safety at all times. To this end, the resolution calls for stronger regulation, registration and licensing of alternative care service providers, and for greater efforts of authorities in assessing the quality of care and the status of children in all alternative care settings through a periodic review.

Institutionalization must be progressively phased out and replaced by care in family and community environments. All alternative care options should also be disability-inclusive, gender-sensitive and appropriate for meeting each child's needs.

*UN 2019 RoC Resolution paragraphs: 34d-e, 35a-c, 35 f-g, 35m, 35q.*

## Finding the best care solution for each child



Every child is unique and therefore decisions should never follow standardized formulas, thinking that what's best for one child will be best for every child. Rather, decisions should take into account the child's individual circumstances, needs and views, and meet the best interests of each child concerned.

These principles apply, for instance, to decisions related to the need for removal of a child from their parents; the type of alternative care that is most suitable for the child; the review of the decision on the type of care to adapt to the evolving needs of the child or young person; the assessment of the quality of the care provided; and the possibility to proceed with family reunification.

Only competent authorities and qualified professionals can make these decisions, subject to judicial review and existing laws and procedures.

Authorities have to assess each case individually taking into account the best interests of all children and young people on an equal basis, including those in particularly challenging circumstances, such as unaccompanied or separated children, children in detention and children with disabilities.

The resolution also highlights that no child should be forced to give up family connections or become separated from their parents to receive care or access to social services or because they are in contact with the law. Family reunification should be the aim, unless it is not in the best interests of the child.

*UN 2019 RoC Resolution paragraphs: 24, 27, 28, 32, 34 a-e-k-l, 35 b-c-f-h-n-o-p-q.*

## Protection of children from violence and harm



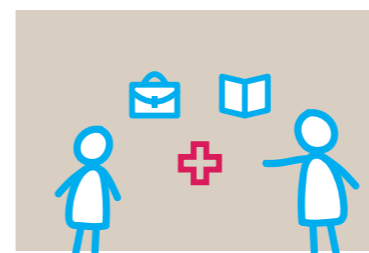
The resolution strongly condemns all forms of violence against children in all settings and calls for preventive and response measures in national systems and plans.

The resolution acknowledges that children without parental care are more likely than their peers to experience human rights violations, such as exclusion, violence, abuse, neglect and exploitation. These violations are often perpetrated in the care setting and at the hands of parents, legal guardians or any other person who has the care of the child. Examples include: domestic violence, bullying, institutionalization, illegal adoption, trafficking of children in care facilities and harm related to volunteering in orphanages, including in the context of tourism, among others.

For this, the resolution calls for appropriate legislative, administrative, social and educational measures to protect children across all care settings. It also calls for support to victims and a strong system to enable children and young people to safely report concerns or file complaints on incidents of violence.

*UN 2019 RoC Resolution paragraphs: 16, 26, 34c, 34i, 35k, 35t.*

## Support for independent living



Young people in alternative care must receive preparation for their independent living and integration into society, once they have grown older. This includes support to access relevant education, training, employment, housing, psychological support and, whenever possible, rehabilitation with their families. The resolution also recommends that young people have access to support services after they have left alternative care, as stated in the Guidelines for the Alternative Care of Children, including social, legal, health and financial services.

*UN 2019 RoC Resolution paragraphs: 35l.*

## Child and youth participation



As every other child or young person, children and young people who are separated from their families have the right to express their views in all matters that affect them. This is particularly important, as the decision on their placement will affect their well-being and development for the rest of their lives. Being heard in the courtroom when their placement and/or separation from their parents is decided, by the social workers who assess the risks or safety of the situation, and regularly by caregivers and case workers in all situations

affecting their lives, is a key right to fulfill.

The resolution stresses that governments must enable child and youth participation in all decisions that impact their lives, both at the individual level and by involving children's organizations and child-led initiatives in political and civic life.

*UN 2019 RoC Resolution Preamble and paragraphs: 34k, 35h*

## Children and young people in particularly vulnerable situations



All children have the right to quality care and protection, without discrimination. Children without parental care often experience intersecting forms of abuse, discrimination and violations of their rights.

The resolution builds on the Guidelines for the Alternative Care of Children to guide governments' action to protect specific groups of children who are at particular risk of being denied such right, including:

- Children with disabilities
- Children in detention
- Children living in stigmatized and marginalized families
- Households headed by women or children
- Children with HIV/AIDS and other serious illness
- Children who exceed the age limit to access care support established by national law

- Children belonging to national, ethnic, religious and linguistic minorities in vulnerable situations
- Indigenous children
- Children of African descent
- Pregnant and adolescent mothers
- Street children
- Migrant, unaccompanied and separated children
- Children who are victims of trafficking and exploitation in orphanages
- Vulnerabilities due to gender

*UN 2019 RoC Resolution paragraphs: 17, 23, 32, 34i, 34g, 34j-k, 35b, 35m-o, 35t.*

## Data collection, information management and reporting



Timely, reliable and disaggregated data on the situation and number of children without parental care is crucial to understanding the nature and magnitude of their needs and developing adequate responses.

Through the resolution, governments acknowledge the need to invest in data collection and reporting systems, aiming for evidence-based policymaking in child care and protection.

*UN 2019 RoC Resolution paragraphs: OPP 35 d.*

## Following the Guidelines for the Alternative Care of Children



International rights frameworks have to be implemented to realize the rights of children without parental care.

In order to do so, governments highlight the importance of the Guidelines for the Alternative Care of Children<sup>3</sup> as a guiding document for strengthening national legislation, regulations, policies and practices to protect the rights of children without parental care; and for training professional groups working with children in need of care and protection.

*UN 2019 RoC Resolution paragraphs: 35 a-b, 35e.*

<sup>3</sup> [The Guidelines for the Alternative Care of Children. A United Nations framework.](#) SOS Children's Villages International, International Social Service (ISS).

## State reforms to improve child care and protection



The resolution urges states to take the necessary steps to reform their laws, policies and practices in a holistic and comprehensive approach, in order to improve the care and protection of children. This approach calls for adaptation of the child welfare and child protection systems in line with the Guidelines for the Alternative Care of Children, allocating adequate resources (human and financial), and coordinating efforts among the different authorities involved.

Various sectors that play a role in preventing and responding to child-family separation need to collaborate more strongly to deliver better results for children. These areas include, but are not limited to the child welfare sector, health care, education, the justice system and cross-border cooperation.

States commit to prioritizing investments in child protection and social services to support quality alternative care and invest in families

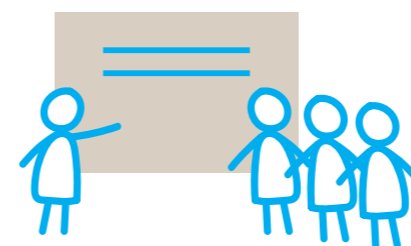
and communities to prevent family separation and the need for alternative care.

With specific regard to the provision of alternative care, reforms should focus on the development of a range of quality alternative care options that progressively replace existing practices of the institutionalization of children with solutions that allow children to grow up in family and community environments.

To support this, states also commit to reviewing and improving the quality of care across all alternative care settings and for each individual child, invest in training and support of caregivers and build robust screening and oversight mechanisms.

*UN 2019 RoC Resolution paragraphs: 31, 34a, 35a-c, 35f-g.*

## Training of professionals working with and for children



All professional groups that play a role in the life of children must know and understand their specific needs and rights in order to make decisions in their best interests and provide suitable care and protection.

The resolution encourages states to provide systematic training on the rights of the child and the implementation of the Guidelines for the Alternative Care of Children for care staff and any other professional working with and for children, including specialized judges, lawyers, social workers, health professionals, teachers and government officers.

*UN 2019 RoC Resolution paragraphs: 35a, 35e.*

### IMPRINT

The original legal text of the 2019 UN Resolution on the Rights of the Child focusing on children without parental care (A/RES/74/133) is available at: <https://undocs.org/en/A/RES/74/133>

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