



Alternative report to UN Committee on the Rights of the Child on UK Foreign Policy

INTRODUCTION

This report is focused on the rights of children in institutions or at risk of institutionalisation around the world and the link to international aid. It highlights the role of the United Kingdom, through its aid and foreign policy commitments, in tackling this form of human rights violation, through promoting deinstitutionalisation and the development of family- and community-based care systems. The use of institutions is in contradiction to the jurisprudence of both the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.

THE HARM OF INSTITUTIONALISATION

The 5.4 million children living in institutions across the world¹ form one of the most vulnerable and marginalised groups in society, exposed to a system that harms their development and systematically violates their rights. Violence, abuse and neglect in institutions is pervasive² and the long-term harm to children's development is demonstrated by over 100 years of evidence.³ Crucially, the majority of children in institutions are not 'orphans'; approximately 80% have at least one living parent.⁴

One key driver of the institutionalisation of children is the prevalence of private orphanages that are driven by a profit motive.⁵ This profit-driven demand for children to fill up institutions can fuel the systematic recruitment of children into institutions – a pattern that is increasingly being recognised as 'orphanage trafficking' and a form of modern slavery.^{6,7} Orphanage volunteers from high income countries who travel to lower income countries are unknowingly supporting the harm that institutions afflict on children in their care and potentially contributing to children being removed from their families and placed in an institution.

¹ Chris Desmond, and others, 'Prevalence and Number of Children Living in Institutional Care: Global, Regional, and Country Estimates', *The Lancet, Child & Adolescent Health*, 4.5 (2020), 370–377 [https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(20\)30022-5/fulltext?rss=yes](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(20)30022-5/fulltext?rss=yes)

² Paulo Sérgio Pinheiro, 'World Report on Violence against Children', United Nations Secretary General's Study on Violence against Children, 9/27, 16/53/57/58/59 (2006) <https://resourcecentre.savethechildren.net/pdf/2999.pdf/>

³ van IJzendoorn et al, 2020 [https://doi.org/10.1016/S2215-0366\(19\)30399-2](https://doi.org/10.1016/S2215-0366(19)30399-2);

⁴ Corinna Csáky, 'Keeping Children out of Harmful Institutions: Why We Should be Investing in Family-based Care' London: Save the Children, 2009. <https://resourcecentre.savethechildren.net/node/1398/pdf/1398.pdf>

⁵ Joseph M. Cheer, Leigh Matthews, Kathryn E. Van Doore and Karen Flanagan (eds.), *Modern Day Slavery and Orphanage Tourism*, C Fenton-Glynn, 2021

⁶ Lumos, 'Orphanage Entrepreneurs: The Trafficking of Haiti's Invisible Children', 2016.

https://lumos.contentfiles.net/media/documents/document/2017/12/Haiti_Trafficking_Report_ENG_WEB_NOV16.pdf

⁷ Kate van Doore, K. Paper Orphans: Exploring Child Trafficking for the Purpose of Orphanages. *International Journal of Children's Rights*. 24 (2016). <https://research-repository.griffith.edu.au/handle/10072/99655>

THE UK'S ROLE IN PROMOTING AN END TO THE SYSTEMIC INSTITUTIONALISATION OF CHILDREN AROUND THE WORLD



In October 2022, the UK Ambassador to the General Assembly, Richard Croker, stated at the UN Third Committee meeting on the Rights of the Child that **"the UK is committed to the promotion, protection and realisation of the rights of all children."**⁸ In line with that commitment, over the past four years the UK government has made several commitments to support care reform and the deinstitutionalisation of children globally. In 2018, UK Aid Direct, the funding mechanism for the UK Foreign, Commonwealth and Development Office (FCDO), announced it would **reject all applications for the funding of** orphanages or other residential children's institutions⁹. At the 2018 Global Disability Summit, hosted by the UK, the Department for International Development (DFID, now FCDO), stated that:

*"In line with the UN Guidelines for the Alternative Care of Children, the **UK government recognises that institutionalisation harms children's physical, emotional and psychological development**... ..In line with our international treaty obligations, including but not limited to the ECHR, UNCRC (and optional protocols) and UNCRPD,*

⁸ <https://www.gov.uk/government/speeches/we-must-ensure-that-our-efforts-to-promote-and-protect-the-rights-of-children-leave-no-child-behind-uk-statement-at-un-third-committee>

⁹ <https://www.ukaidirect.org/about/what-will-not-be-funded/>

as well as the UN Sustainable Development Goals, **we are committed to ensuring all children realise their right to family care** and that no child is left behind"¹⁰

This commitment became cross-government policy when it was included in the 2018-2023 UK Disability Inclusion Strategy.¹¹ In addition to recognising the harm of institutionalisation, the department committed to actions that would contribute towards deinstitutionalisation efforts:

*"DFID will be working with civil society and other stakeholders to explore the current landscape of child protection systems and to scope out entry points to tackle systemic issues, addressing the failures that lead to institutionalisation in the first place. In the short term, **we will convene a working group on these issues. We will continue to support the work that civil society does leading directly on the deinstitutionalisation process on the ground.**"*

While the Department for International Development (DFID) is now part of the Foreign, Commonwealth and Development Office (FCDO), the UK's stated foreign policy commitment to deinstitutionalisation has been maintained following the merger. The FCDO Disability and Inclusion Strategy 2022-2030¹², launched at the 2022 Global Disability Summit, states:

*"**We continue to support the global commitment to shift from institutional care of children to community and family-based care. De-institutionalisation is a long-term process that requires quality, accessible and inclusive structures and services at both government and community levels. We will continue to tackle the underlying drivers of institutionalisation and strengthen protective systems for children with disabilities.**"*

Within this strategy, the FCDO has included monitoring, evaluation and follow up¹³ for various indicators of disability inclusion. However, at the time of writing, the FCDO has yet to publish or commit to a similar framework for the monitoring and evaluation of its deinstitutionalisation commitments.

The FCDO's stated commitment to supporting deinstitutionalisation, along with similar commitments from other bilateral and multilateral donors, should lead to further cooperation in this area of upholding human rights with other governments, especially in countries where the institutionalisation of children is still common. For example, at the Commonwealth Heads of Government Meeting (CHOGM) in Kigali, in June 2022, the UK Prime Minister, with the leaders of all 54 Commonwealth countries, signed the Kigali Declaration on Child Care and Protection Reform, committing them to:

¹⁰ <https://www.internationaldisabilityalliance.org/commitment/eliminate-stigma-and-discrimination-60>

¹¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760997/Disability-Inclusion-Strategy.pdf

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074127/Disability-Inclusion-and-Rights-Strategy-2022.pdf

¹³ <https://www.gov.uk/government/publications/fcdo-disability-inclusion-and-rights-strategy-2022-to-2030/fcdo-disability-inclusion-and-rights-strategy-2022-to-2030-building-an-inclusive-future-for-all-a-sustainable-rights-based-approach#accountability-1>

- *Positioning the Commonwealth as a leading advocate on child care and protection reform by implementing the 2019 UN General Assembly Resolution on The Rights of the Child, A/RES/74/133.*
- *Tackle the underlying causes of the separation of children from their families and communities, including by progressively replacing institutionalisation with quality alternative care across the Commonwealth.*

THE UK'S ROLE IN THE UKRAINE RECOVERY CONFERENCE 2023

Before the escalation of the conflict in Ukraine in February 2022, Ukraine had the highest number of children in institutional care in Europe, with more than 90,000 children in institutions, nearly half of whom were children with disabilities.¹⁴ The vulnerability of this group to various human rights violations was highlighted by a joint UNCRC and UNCRPD report¹⁵ in October 2022, underlining that these children are “severely adversely affected by institutionalisation” and, since the escalation of violence, are in “overcrowded and understaffed facilities that cannot provide children with adequate care and expose them to a high risk of harm.”

In response to this concerning context, at the 2022 Ukraine Recovery Conference the need to “build a viable system of protection of children’s rights at the national, regional and local levels that meets international standards” was highlighted as a key recommendation for the future of Ukraine. The UK government has agreed to co-host the 2023 Ukraine Recovery Conference (URC) in London. This will provide an opportunity for the UK to share its commitment to deinstitutionalisation with the international community, galvanising support for care reform for children as both a human rights and reconstruction priority in Ukraine.

THE UK'S ROLE IN COMBATTING ORPHANAGE TRAFFICKING

The UK Government, in addition to highlighting the overall harm of institutions, has taken measures to combat the issue of ‘orphanage trafficking’, including current guidance given to UK citizens looking to volunteer in orphanages overseas, on its FCDO website:

Some organisations that invite volunteers are profit-oriented, not charitable, and some dishonest organisations have deliberately housed children in poor conditions to attract financial support from visitors. Poor safeguarding practices also increase the risk of abuse. By volunteering in or visiting such

¹⁴ <https://www.unicef.org/emergencies/ukraine-war-response-children-disabilities>

¹⁵ <https://www.ohchr.org/en/statements/2022/10/un-experts-call-urgent-action-protect-ukrainian-children-disabilities>

organisations, you may unknowingly contribute towards child exploitation, and you may put yourself at risk of accusations of improper behaviour.¹⁶

While a clear sign of progress, this is insufficient to truly combat orphanage trafficking. In a 2019 review¹⁷ of the Modern Slavery Act 2015, the UK Government decided that it was not practical to amend the legislation to distinctly recognise ‘orphanage trafficking’ as a form of modern slavery. By way of example, in 2018 the Australian Government included a specific reference to “trafficking and/or exploitation of children in orphanages” in the explanatory memorandum of the Modern Slavery Bill 2018.¹⁸

RECOMMENDATION TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

- We call on the UN Committee on the Rights of the Child to use its concluding observations and jurisprudence to ensure that the foreign policy and aid disbursement of States Parties are in line with the Convention.

RECOMMENDATIONS TO STATE PARTY

We ask the Committee on the Rights of the Child to commend the State Party:

- for its prioritisation of global deinstitutionalisation reform, through its foreign policy and aid disbursement. This upholds the jurisprudence of both the CRC and CRPD, in emphasising the importance placed on supporting families, preventing family separation, and placement, if necessary, in family and community care.

We ask the Committee on the Rights of the Child to recommend that the State Party:

- i. amend the Modern Slavery Act 2015 to distinctly recognise ‘orphanage trafficking’ as a form of exploitation and provide specific guidance for utilising the Modern Slavery Act to both prosecute individuals and combat trafficking in supply chains.
- ii. as host of the 2023 Ukraine Recovery Conference, take all measures to ensure that the Recovery and Reconstruction of Ukraine includes a comprehensive child protection system reform strategy with attached international funding and backing.
- iii. create a framework outlining its commitments to the global eradication of institutionalisation of children, with associated budgetary commitments, monitoring, evaluation and follow-up.

¹⁶ <https://www.gov.uk/guidance/safer-adventure-travel-and-volunteering-overseas>

¹⁷ <https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report/independent-review-of-the-modern-slavery-act-final-report-accessible-version>

¹⁸ https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6148_ems_9cbeaf3-b581-47cd-a162-2a8441547a3d/upload_pdf/676657.pdf;fileType=application%2Fpdf

Hope and Homes for Children is a global expert in the field of deinstitutionalisation. Our mission is to be the catalyst for the eradication of institutional care across the world. We work to protect children from the harmful effects of institutional care and to ensure they have the opportunity to grow up in a secure and caring family environment and to fulfil their potential. Working in partnership with governments and civil society organisations, our model is creating the conditions for long-term reform.

Today, over 5.4 million children are trapped within institutions. It's not right and it must stop. Children deserve so much better. Always. Since 1994, Hope and Homes for Children has been working to stop the institutionalisation of children. We're 250 people, in ten countries, inspiring organisations, including the UN, EU and governments around the world, to close the doors of orphanages forever. Instead, we fight for every child to feel the love and belonging of a safe family home. As challenges get tougher, we work harder – with children, for children. Our care reform specialists set up community-based family support services. Our policy experts promote stronger child protection laws. And our skilled social workers work directly with children to keep families together, to reunite them, and to nurture new ones. Through national reform, we inspire global action. And we'll continue. Transforming the system. Consigning orphanages to history. Until every child, everywhere, has the chance to thrive in a strong, supported family. Because children deserve better.

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Hope and Homes for Children is:

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Organization in special consultative status with the United Nations Economic and Social Council since 2019.

An NGO in participatory status with the Council of Europe as of 2021.