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Standing up for the rights of former clients of residential care – towards a modern, participatory model for foster and residential care

Position paper of FICE - Fédération Internationale des Communautés Educatives

FICE (Fédération Internationale des Communautés Educatives) was founded under the auspices of UNESCO. Its activities are based on the UN Convention on the Rights of the Child. Its focus is on families in problem situations, in particular on children who cannot live with their parents or who due to extraordinary circumstances have been separated from their personal network and therefore need special protection.

Pinpointing injustice – supporting survivors!

In recent years the life situations of children in foster or residential care in the 50s, 60s and 70s have become the subject of inquiry in many European countries. Despite of partial very different welfare systems and institutions, these inquiries, e.g. in the form of Round Tables, have shed light on the fact that these children had clearly suffered large-scale systematic repression, abuse, and denial of basic rights.

It is the view of FICE International that what happened to these children and adolescents in residential care and foster care constitutes a violation of human rights and of the UN Convention on the Rights of the Child, and that this must be more clearly recognized than has been the case.

Survivors of such past abuse in residential and foster care must finally be met with respect, and restitution must be undertaken, quickly and consistently. To achieve these goals FICE sees the following important prerequisites:

- Demanding public recognition of the injustices at the national level, and acknowledging and politically rehabilitating the struggle of children in care in the 60s and 70s and of their supporters.
- Establishing independent institutions to review the material, and the medical-therapeutic as well as the counselling-related claims and supporting the establishment of regional low-threshold contact points.
- Ensuring the participation of survivors in the concrete design and implementation of round tables for coming to terms with the events and finding solutions for restitution (in conjunction with funding state and church authorities).
- Establishing “Contact points for survivors of abuse in residential care and foster care” which offer concrete support, counselling, and assistance with claims for financial compensation, as applicable. Survivors should be included in the work of such contact points.
- FICE International supports the justified demands of many former clients of residential care in Europe, in particular also the demand to forego secure accommodation. FICE expressly demands the establishment of independent offices for complaints (“ombuds-offices”) for children and adolescents in care.



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Learning from history – A strong plea for adequate support to girls and boys in public care.

Given this background FICE International deems it important to point out the following: The round tables on residential care established in several European countries as well as the round tables and discussions on child abuse in institutions have made it clear, to varying extents in individual countries, that the abuse of power towards children and adolescents in institutions for their upbringing, education, or psychosocial and health care is not a thing of the past but, although it should not happen, still happens today. Child and youth care services are unfortunately not free of this phenomenon. Phenomena of power abuse in this field may take many guises, because professional relationships require a high degree of closeness, while simultaneously requiring professional distance. Child and youth care services are an important and necessary resource for children and adolescents, but they also carry risks.

In view of all this FICE (Fédération Internationale des Communautés Educatives) advocates the following principles as minimum requirements for adequate care and support while assuring the necessary protection of girls and boys in public care:

Professional staff

1. Children and adolescents who live in institutions are to be cared for by qualified persons in social pedagogy and other professions, who are adequately trained. After completing recognized formal professional training pedagogues should strive to improve their qualifications and to keep their expertise and professional knowledge up-to-date.
2. If children and adolescents live in foster families, it is necessary when placing the child to find suitable and well prepared foster parents who are able to meet the individual needs of the child and in doing so receive support from professionals in the field. Professional recommendations, practice guidelines, and standards for foster care and for cooperation, and for the support of foster parents associations are important instruments in this field.

Children

3. Children and adolescents must be actively included and involved in all matters and questions concerning them. This is done through reliably and regularly functioning representative bodies and an active complaints management system that the children need to be made aware of and understand. Such structures must also be developed for foster care.
4. From the beginning children and adolescents can stay in contact with family and friends as well as persons they trust. This has priority except when critical reasons of child protection speak against it.
5. Children and adolescents shall have access to independent organisations and/or persons, e.g. ombudspersons. This includes knowing their telephone numbers and having access to telephones or other means of communication. The children



know and understand what these contacts represent, what they mean, and what the procedures are when they want to use these contacts.

6. All children and adolescents in residential care or foster care are informed in an adequate way of their rights and which problems there might be with regard to their personal integrity, e.g. abuse, neglect, or other breaches of the law. There is continual information and discussion on how they can protect themselves against regressions and abuse.

Institutions

7. Institutions see themselves as modern, democratic communities and function *accordingly*. This means that adults, children and adolescents alike have assured opportunities for participating in the shaping of the institution.
8. In institutions and services the staff as well as the children and adolescents take part in quality development processes.
9. Institutions make at least one internal analysis of the risk potentials and structures providing opportunities for the abuse of power. They draw up a contingency plan and with regard to past cases of sexual or other violence they strive for resolving these as quickly as possible and establishing sustainable changes in the institution.
10. Institutions for children in care and non-residential services aren't "pedagogical islands" and don't consider themselves as such, but seek contact and exchanges with the community. As a result there are sufficient contacts with other organisations and persons who gain insight into what is going on in the institutions and non-residential services, because the more secure an institution is, either in structural or ideological manner, the more susceptible it is for misuse of power. Openness includes, among others, continual evaluations and monitoring through supervising professionals.

The implementation of these demands requires, not least of all, personal as well as material resources. Recalling the dramatic experience of former clients of residential care in the 50s, 60s, and 70s, today's residential care and other forms of care must see it as their duty to implement these findings. This also constitutes an important form of restitution.