



THE GOVERNMENT OF THE REPUBLIC OF SOUTH SUDAN

**SOUTH SUDAN NATIONAL POLICY ON THE PROTECTION AND CARE OF
CHILDREN WITHOUT APPROPRIATE PARENTAL CARE**



MINISTRY OF GENDER, CHILD AND SOCIAL WELFARE

2017 - JUBA

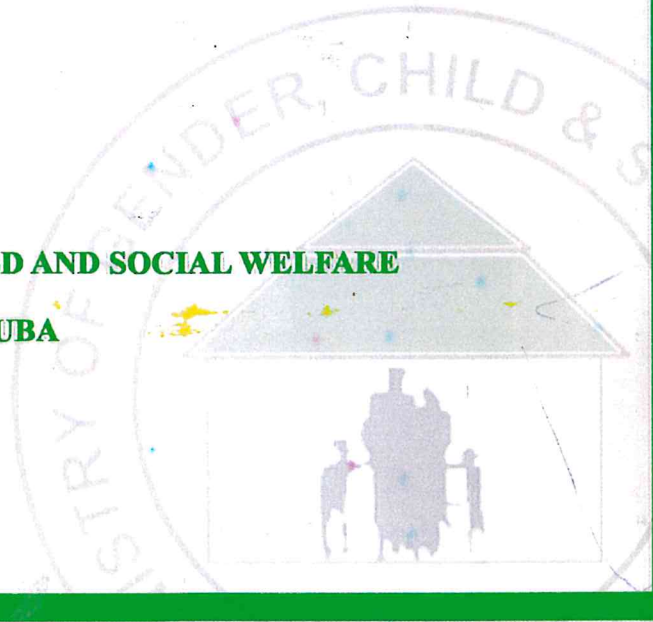


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1. DEFINITION OF TERMS

Abuse	A deliberate act of ill treatment that can harm or is likely to cause harm to a child thereby threatening their safety, wellbeing, dignity and development.
Adoption	The legal court process whereby a child is legally made a child of a family that they were not born into. It is the severing or all connections of the child to his/her family of origin and the removal of the parents or other legal guardian's parental responsibilities or rights in respect of the child. The making of an adoption order means that the child loses all right to inherit from his/her family of origin and will bear the name of his/her adoptive family. Once a child is adopted he or she becomes a permanent child of the new family.
Appropriate Parental Care	Provision of care of a child by a parent ensuring responsible upbringing, development and welfare of the child in accordance with human rights provisions, natural laws and the UN Convention on the Rights of the Child.
Authorised Person	Professional that by right of his/her job is responsible for the protection and welfare of children; nominally this would be a social worker, but other professionals may undertake various roles as decided by legislation or government policy or guidance
Boarding School	An educational school that also provides residential accommodation for children. Children will return to the care of their parents or families at weekends or at the end of each scholastic term. Children continue to be the responsibility of their parents.
Primary Caregiver	An adult that has the responsibility to provide care, nurture and provide protection to a child, whether that child is a biological child of the person or not. This includes: adopter, foster parent, grandparent, aunt or uncle, other relatives, director or care assistant of a residential children's institution.
Capacities	The resources and skills people possess, can develop, mobilize and access, which allow them to have more control over shaping their own future and coping with risks.
Child	A male or a female person below age 18.
Child Marriage	A formal or informal union entered into by an individual before age 18. , It is abusive, exploitive, and a form of violence against children, outlawed internationally.
Children's Panel	A multi-disciplinary group including trained professionals, a young person, foster carer and adoptive parent that decides on the most suitable placement for a child that does not have an appropriate adult caregiver.
Child	The collection of measures and structures to prevent and respond to abuse, neglect,

Protection	exploitation and violence affecting children.
Children on the move	Children who are trafficked, unaccompanied, migrant, in street situation, kidnapped, forced to displacement, refugees, asylum seekers, nomadic... They represent a major and increasing challenge to ensuring child rights and protection but receive little adequate public solution.
Exploitation	The use of a child for someone else's advantage, gratification or profit, often resulting in unjust, cruel, or harmful treatment of a child.
Formal Care	All forms of residential or foster care ordered or authorised by an administrative or judicial authority or an authorised person or body.
Foster Care	The temporary care of a child in a family that is not related through birth.
Foster Caregiver	Adult person that is trained and supported to care temporarily for an unrelated child in their family.
Incrementally	An activity that builds from the ground up with the objective of fulfilling its purpose in a defined period of time.
Informal Care	Any private arrangement whereby a child is looked after at least overnight by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly authorised person or body.
Institutional Care	Residential unit, home, orphanage, centre, shelter, emergency shelter, refuge or reformatory, that houses children without the day to day care of a member of their birth family. Residential institutions usually house large numbers of children, (more than 10) and work on a system of routines and communal living rather than providing individual care and attention for each child.
Imminent Danger	The likelihood of immediate and serious harm to a vulnerable child precipitated by one or more safety threats.
Kafala	Islamic duty to save any abandoned child and provide appropriate care and financial support for such children, which does not allow for inheritance or carrying the same family name of the caregivers.
Kinship Care	Family-based care within the child's extended family or with close friends of the family known to the child, whether formally or informally arranged.
Neglect	Failing deliberately, or through carelessness or negligence to provide, or secure for

	a child, their rights to physical safety and development.
Orphan	Child that has no living mother or father.
Parent	Birth mother or birth father of a child or any guardian or person who is liable by law to maintain a child or is entitled to his or her custody.
Parental responsibility	All the duties, responsibilities, rights, powers, and authority which, in accordance with law, the parent of a child fulfils in a manner consistent with the evolving capacities of the child.
Protective capacities	Behavioural (attitudinal), cognitive, emotional, and resource based, capacities characteristic of a duty bearer, person or agency providing care for a child/protective environment and services for a child.
Review	(Statutory) multi-disciplinary meeting held at regular intervals to review the welfare and progress of each child, at which decisions can be made to change the child's placement or to work on specific areas of development identified as requiring action.
Risk	The probability that negative consequences may arise when a child occurs in the context of a potentially abusive, exploitive, or violent situation or circumstance.
Small Group Home	Apartment, house or shelter that is in the community and where a small group of children live in a family style environment. A small number of consistent care staff work with the children to integrate them fully into the community activities and to develop the children's life skills and independence. Each child has an individual care plan and key worker to advocate for him or her.
Street Child	Child that lives on the streets, with or without his/her family, and has no family home to live in. Also refers to a child that has a family and a family home to live in, but has chosen to live on the streets due to family abuse, neglect or exploitation or disagreement with his/her family.
Supportive Semi - Independent Living	Supported accommodation for young people unable to live in a close family environment. Assistance is provided to each young person on a personal basis according to individual needs.
Vulnerability of a child	The degree to which a child can avoid, negate or modify the impact of safety threats or compensate for a parent/caregiver's lack of protective capacities.

2. FOREWORD

In South Sudan a large number of children are at risk of separation due to the impact of conflict and poverty, as well as trafficking and even slavery. Huge numbers of children, lack basic services that support child growth and development, such as education. Many of these children also find themselves at high risk of abuse, exploitation and neglect and, including those who are mistreated by their parents and alternative care-givers. Children with disabilities experience isolation and stigmatization and are often excluded from family and other necessary support for growth and development such as education. Girls often are excluded and marginalized, as well as facing discrimination in matters of equal access to and participation in necessary developmental processes, including education. Many girls are married early and lose their childhood prematurely. Many have been orphaned as internal conflicts become increasingly prominent. There is real concern from within the Government of the Republic of South Sudan as well as development partners, that South Sudan will soon be overwhelmed by the rising number of children without appropriate parental care, with hard-to-reverse consequences.

In light of the above the Ministry of Gender Child and Social Welfare took a bold initiative to develop the Policy on Children without Appropriate Parental Protection and Care to provide a framework for managing the current and anticipated concerns with regard to children without appropriate parental care. This first and foremost recognizes that the most appropriate form of care for a child is that of a parent in a child's own family environment. It also appreciates that fact that while a child may have the opportunity to live with a parent in their own family environment, the quality of protection and care available to the child may be compromised, and protection and care available to the child may therefore qualify as inappropriate even when provided by a parent. Therefore the vision of this policy is to be a model framework in the protection and care of children without appropriate parental care that guarantees quality of alternative protection and care arrangements where and when it is deemed an absolute necessity.

This policy covers children who are orphans; Separated Children and Unaccompanied Minors; Children living and working in the streets/market places; Children Associated with Armed Forces or Groups; Children in protection of civilian sites, Children in Custody; Children in Child-Headed Households; Children living with their parents, who are deprived, excluded, not attending school, abandoned, or survivors of Sexual Gender Based Violence; Children living with HIV/AIDS, with disabilities, trafficked or, abducted, engaged in child labour, born out of incest relations, born out of inheritance, bound by negative traditional norms (e.g. child compensation), children affected by harmful traditional practices, children discriminated against due to gender roles; Children in prison of convicted mothers or of mothers with mental disabilities; among others. Lastly, I would wish to applaud the entire Ministry of Gender, Child and Social Welfare Staff who worked tirelessly to ensure that the document was drafted. I want to also register my sincere gratitude to the leadership of the Republic of South Sudan and UNICEF for the support towards the development of the document.

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3. ACKNOWLEDGEMENTS

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The Technical Working Group composed of the following individuals: Ms. Celina G Peter (Director of Child Welfare (MGCSW); Mr. Philip Onyango Were and Mr. Joseph Njoroge Mburu (IGAD Consultants), Mr. Michael Mabior (Save the Children International); Mr. Edema James Peter (MGCSW); Mr. Oluku Andrew Holt (NDDRC); Ms. Nancy Elisa (Deputy Director Child Welfare); Ms. Nancy A. Atilo (MOSD); Silvia Pasti and Fatuma Ibrahim (former Chiefs of Child protection, UNICEF), vedasto Nsanzugwanko (current Chief of Child Protection, UNICEF), Mr. Eliaba Damundu (SPPME, UNICEF), Ms. Solla Asea (Child Protection, UNICEF), Ms. Cathy Gdnenendjk (CCC); Ms. Mary Ajith (MoJ)., Mr Noah Ochola; consultant for the finalization of the Policy on the care and protection of Children without Parental care.

I want to finally thank all the staff of the Ministry Gender, Child and Social Welfare led by able Minister Honourable Awut Deng Acuil for working round the clock despite tight schedules to develop this important policy geared towards ensuring that children in all settings are duly authorised and regulated by Government to effectively, efficiently and equitably manage and promote holistic child development are cared for and protected.

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4. LIST OF ABBREVIATIONS

BIA	Best Interests Assessment and Analysis
BID	Best Interests Determination
CBCPM	Community Based Child Protection Mechanism
CP	Children's Panel
CPIE	Child Protection in Emergencies
CWAPC	Children Without Appropriate Parental Care and Protection
FGM	Female Genital Mutilation
GRSS	Government of Southern Sudan
GRSS	Government of the Republic of South Sudan
MGCSW	Ministry of Gender, Children and Social Welfare
SOPs	Standard Operating Procedure
UN CRC	United Nations Convention on the Rights of the Child

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5. INTRODUCTION AND BACKGROUND

The Policy on Children without Appropriate Parental Protection and Care provides a framework for managing the current and anticipated concerns with regard to children without appropriate parental care. Its development is triggered by the alarming problem of children without appropriate care whose numbers continue to grow in the major towns of South Sudan, and the clear absence of guiding ideas and positions of government on how to effectively manage their issues and attendant programs.

Given that a large number of children already live without appropriate parental protection and care, and that many others are at high risk of loss of appropriate parental care. It is in the interest of the national government to define clearly in this policy, the measures that shall be taken to ensure all children's protection and appropriate care, in accordance with the provisions of the Transitional Constitution of the Republic of South Sudan (TCRSS), international child protection and child care laws, principles, and standards.

While similar policies generally address a small target group, and are limited to care and maintenance of such children, the South Sudan policy goes well beyond such limits and expands the definition of the concept to include children living with parents but who are at risk of losing parental protection and care. In this policy the concept "*appropriate parental care and protection*" is given emphasis as the backbone of the policy.

Policies provided here recognize first and foremost that the most appropriate form of care for a child is that of a parent in a child's own family environment. The policies further recognize that while a child may have the opportunity to live with a parent in their own family environment, the quality of protection and care available to the child may be compromised, and protection and care available to the child may therefore qualify as inappropriate even when provided by a parent.

This policy seeks to address concerns around children who need a home or alternative to a home. It opens up to examination of the predisposing factors prior to separation of children, and looks holistically at the broad measures that can ensure children live with parental protection and care. It recognizes definition of conditions and measures that shall be taken to respond to and maintain children outside the family environment and places minimum expectations through suggested standards and procedures.

At a minimum level, all children in temporary or permanent separation from their parents, family or kin will fall within a structure and system of support that encourages and ensures to the extent necessary that they live in conditions that very closely mirror family living environments.

6. CITATION

This policy can be cited as the South Sudan National Policy on the Protection and Care of Children without Appropriate Parental Care. The policy is the property of the Ministry of Gender, Child and Social Welfare. It is the governing policy on all plans, strategies and programs concerning any child (of and in South Sudan) determined through government action to be in need of appropriate parental protection and care either temporarily, intermittently or permanently.

This policy should be interpreted as minimum standards and procedures for all National Ministries, State Ministries, authorized authorities, professional organisations and others are encouraged to develop national or profession-specific guidelines that build upon the letter and spirit of this policy.

While the degree to which this policy can be fully and immediately implemented may depend on the economic, social and cultural conditions prevailing in South Sudan or individual States, the fundamental principles and overall context they contain shall be applicable and respected in all cases.

7. GOAL

The care and protection of children in all settings are duly authorised and regulated by Government to effectively, efficiently and equitably manage and promote holistic child development.

8. PURPOSE

The purpose of this policy is to promote and enhance harmonious child holistic development in the family and in the institutional environment.

9. VISION

The vision of this policy is to be a model framework in the protection and care of children without appropriate parental care that guarantees quality of alternative protection and care arrangements where and when it is deemed an absolute necessity.

10. OBJECTIVES

The objectives of this policy are:-

- i. To enhance the practical effects of the provisions of international human rights law, including the United Nations Convention on the Rights of the Child, the Transitional Constitution of the Republic of South Sudan and the South Sudan Child Act 2008.
- ii. To create a framework for developing and integrating knowledge and experience from relevant instruments and norms relating to the rights, interests, well-being and protection of children.

- iii. To provide support for all efforts to keep children within the family and where this is not possible or is not working the most suitable alternative care arrangements must sought for in the best interests of the child.
- iv. To assist and encourage the Republic of South Sudan (RSS), and relevant line ministries to assume their obligations with respect to the prevention of the need for alternative care of children, and the response and support to child victims of inappropriate parental protection and care.
- v. To make known to all concerned with child protection and care, in both public and private sectors including civil society, the position of the RSS on concerns of children without appropriate parental care and the need for each sector to take into account the positions provided in this policy and to integrate them in all actions and processes affecting the wellbeing of the children for which this policy is developed.

11. PROFILE OF CHILDREN WITHOUT APPROPRIATE PARENTAL CARE

Children who may be categorised as being without appropriate parental caregiver shall include the following:

- Orphans
- Separated Children and Unaccompanied Minors
- Children living and working in the streets/market places
- Children Associated with Armed Forces or Groups (CAAFG)
- Children in protection of civilian sites, Governmental and Non-Governmental institutions
- Children in Custody
- Children in Child-Headed Households
- Children living with their parents, who are deprived, excluded, not attending school, abandoned, or survivors of Sexual Gender Based Violence
- Children living with HIV/AIDS, with disabilities, trafficked or, abducted, engaged in child labour, born out of incest relations, born out of inheritance, bound by negative traditional norms (e.g. child compensation), children affected by harmful traditional practices, children discriminated against due to gender roles;
- Children in prison of convicted mothers or of mothers with mental disabilities
- All children not living with at least one of their parents, for whatever reason and in whatever circumstances
- Children without parental care who are outside their country of permanent residence or victims of emergency situations designated as “unaccompanied” or “separated”

12. DUTIES AND RESPONSIBILITIES OF PARENTS AND THE STATE WITH REGARD TO CARE AND PROTECTION OF CHILDREN

The UN Convention on the Rights of the Child, Article 18 states that “parents have joint primary responsibility for raising their child and the State shall support them in this. The State shall provide assistance to parents in raising their child”

The Ministry of Gender, Child, and Social Welfare is the primary duty bearer offering services for children in need of protection and care. It carries out this function through the Directorate of Child Welfare at the national level and in the devolved structures at State and County level.

The Directorate of Child Welfare supervises services aimed at promoting and protecting the wellbeing of children and their families. The principal focus of the Directorate of Child Welfare is care and protection of all children, including rehabilitation and reintegration of children affected by protracted conflict and other emergencies.

In order to implement its activities, the Directorate of Child Welfare works closely with development partners, including the UN, who complement government efforts in supporting programming for children. However, other government institutions, at national, state and county levels are closely and very prominently involved.

13. PRINCIPLES AND VALUES UNDERLYING THE NATIONAL POLICY ON PROTECTION AND CARE OF CHILDREN WITHOUT APPROPRIATE PARENTAL CARE

The policies provided here are founded on and guided by sound human and child rights principles set out in international covenants and national instruments and vision. Specifically, the four fundamental and guiding principles of the UN CRC, namely the principles of Best Interests of the Child, Non-Discrimination, Survival and Development, and Participation, are at the heart of the policies provided here.

The principles of “necessity” and “appropriateness” are fundamental to the development of any policy and are called to action in the development of this policy document. The application of the principle of “necessity” ensures recourse to alternative care is discouraged to the greatest extent possible, as emphasis and investment is shifted to the need to upgrade family support and integration. The application of this principle has made it possible for the policies to negate traditional and customary factors affecting care, to include the important elements of effective gate-keeping to enhance protection and care arrangements, and to propose measures to ensure regulations governing alternative care arrangements in cases where it is determined an absolute necessity.

The all-important principle of “appropriateness” applied in this policy document ensures that individual policies have provisions for guaranteeing that available care options for children in all situations meet certain standards. This principle further ensures that appropriate reference is made with regard to access to services, and ensures emphasis on the need to promote stable long term solutions.

14. THE SITUATION OF CHILDREN WITHOUT APPROPRIATE PARENTAL CARE/RELATED ISSUES AND THE RATIONALE FOR THE POLICY

There are many children in South Sudan without appropriate parental protection and care. A huge number of children are at risk of separation due to the impact of conflict and poverty, as well as trafficking and even slavery. Many have been orphaned as internal conflicts become

increasingly prominent. Huge numbers of children, lack basic services that support child growth and development, such as education.

Many parents abdicate parental responsibility to institutional care thus denying children the right to grow up in a family and community environment. There remains a strong belief among many parents facing poverty and other challenges that their children will be better supported by a third party. Even where this is not the case, many parents are permanently unable to take care of their children and seek assistance to ensure protection and care for their children.

Many children in South Sudan find themselves at high risk of abuse, exploitation and neglect and, including those who are mistreated by their parents and alternative care-givers. Children with disabilities experience isolation and stigmatization and are often excluded from family and other necessary support for growth and development such as education. Girls often are excluded and marginalized, as well as facing discrimination in matters of equal access to and participation in necessary developmental processes, including education. Many girls are married early and lose their childhood prematurely.

Many children use drugs and alcohol and move out of their family environment and into market places where they become victims of further violence, abuse and exploitation. The number of children living and working on the streets in the urban centers of South Sudan is alarming, and trends show that their numbers will continue to increase in coming years due to insecurity and continuous conflict/ instability in the country. This will become one of the country's most glaring challenges.

There is real concern from within the Government of the Republic of South Sudan as well as development partners, that South Sudan will soon be overwhelmed by the rising number of children without appropriate parental care, with hard-to-reverse consequences. The negative consequences of institutional or residential care on children and society at large are significant. Lack of one-on-one relationship with a primary care giver is known to be a major cause of harm to children in residential care. Research evidence suggests that infants placed in institutional care suffer developmental harm if they are not moved to family-based care by the age of six months

Young people placed in institutional care are at risk of serious harm including attachment disorders, developmental delays in social, behavioral and cognitive domains, delays in physical growth, and brain development, low IQ and educational delays. Other effects include post-traumatic stress disorders, depression, poor cause-effect thinking and decisions making poor self-regulation, over-stimulation, and early exposure to sex resulting in distorted and unhealthy or damaging sexual relationships and behaviors, and failure to cope effectively with change. The neglect and damage caused by early deprivation is a form of violence against children.

A number of assessments on children without appropriate parental care were conducted by GRSS with support from partners, including UNICEF in the period 2013-2014. From these assessments, it is understood that the separation of children from their families/kin are, in nearly all cases avoidable, and that the need for alternative forms of care, specifically institutional care, is equally avoidable. It is similarly understood from the assessments that many children on the street have the option to live at home with their families.

The experience of countries emerging from protracted conflict where family protection and care is compromised show a rapid escalation of opportunistic care programs following the stabilization of a country. South Sudan anticipates a post- conflict growth of the number of institutions purporting to care for children, given the state of vulnerability of conflict affected families. Situations in which children and their families are exploited for economic reasons through child sponsorship schemes and unregulated international adoption practices are documented in many countries, and South Sudan is committed to lessons learned from these situations, to increase the protection, care and rights of children within its borders.

There are few existing institutional care programs in South Sudan, and there is little knowledge of what happens at those centers that do exist. There is growing concern about the standard and quality of care provided by institutions supporting vulnerable children, as well as concerns about abuse, exploitation, neglect and violence against children by alternative care providers. There is also growing concerns about the potential for unscrupulous individuals and agencies to transform children's homes into free boarding school facilities in order to solicit private donor funds.

While different types of programs for the protection and care of children from vulnerable families are known to help in some ways, they are generally only good as "last resort" protection measures for children. The absence of a framework to enhance family integration and care of children in family environments while discouraging separation of children from family prevents effective responses and limits positive outcomes. There also exists a lack of knowledge about child support needs and opportunities and a lack of knowledge of systems and standards for the protection and care of children without appropriate parental care.

The challenges described above are compounded by lack of recognition and the limited prioritization of the problem of children without appropriate parental care among responsible authorities. Existing information on children without appropriate parental protection and care is limited and is not widely shared.

The will to act on identified issues is not backed up by adequate resources and the systems of action to deliver on promises commitments are not operational at all levels of government. The lack of political stability reverses small gains made to ensure better protection and care of children in a family environment by their primary care givers.

15. PRIORITY POLICY AND STRATEGY AREAS

The policy priority and strategy areas encompasses the prevention and provision of informal appropriate care for children including, the institution based care, rapid response measures and emergency situations. These are detailed below:-

1. Prevent the need for alternative care/prevent family separation and provide family and community support to mitigate the risk of loss of appropriate parental protection and care.
2. Provide informal alternative care for children without appropriate parental care.
3. Provide institution-based care for children without appropriate parental care.
4. Implement Rapid Response measures to manage the increasing number of children without appropriate care living on the streets/markets.
5. Provide care and protection for children in Emergency Situations.

16. POLICIES AND STRATEGIES FOR THE PROTECTION AND CARE OF CHILDREN WITHOUT APPROPRIATE PARENTAL CARE

16.1 Enhancing family conditions and community environments

The Government of the Republic of South Sudan is aware of the multiple vulnerabilities that compromise parents' ability and capacity to appropriately meet their obligations for the protection and care of their children. Cultural and traditional child care and protection systems have also been compromised in recent years.

The UN Convention on the Rights of the Child identifies the family and community as the primary child care and protection environment. Family and community environments are two core areas in which child protection gains can be made through targeted actions and support. However, significant challenges must be addressed, including concerns about the level of understanding of the definition of a "child", child rearing practices, child rights, and child care and protection responsibilities.

There is looming threat of family disintegration as parental and family protection and care roles have increasingly shifted to secondary care providers who may not be suitable to play primary roles in raising children. This is particularly important given the critically important role of South Sudan's children in contributing to the country's development.

Currently, there is little knowledge of the people who take care of children and their capacity and ability to do so. There is a need for enhanced information (including data) and understanding of the status of families in terms of their ability and capacity to provide appropriate child care and protection and the effects of protection trends on the child care and protection environment. There is also a need to collect data on children's care and protection status.

The presence of community-based supports enhances a child's chances of thriving to his/her full potential. However, the Government of the Republic of South Sudan and development partners have established few child care and protection services, and services are especially limited in hard to access locations. Birth registration systems are limited, while the few existing educational, health, judicial and related services are of limited quality. Private boarding institutions are being established with little oversight, exposing many children to increased risk of violence, abuse, exploitation and neglect rather than care and protection.

16.2 Core policy positions and key declaration

Family and community strengthening programs are the first level of care intended to keep families and children together.

- ❖ Every individual child shall be given the opportunity to develop into a self-reliant, responsible and participating member of the South Sudan community, through access to a supportive, protective and caring environment that promotes his/her full potential. The GRSS recognizes that children without appropriate parental care are at special risk of being denied such a nurturing environment.

- ❖ The family being the fundamental group of society and the primary socio-cultural environment for child development, well-being and protection efforts should be directed to ensuring that children remain in or return to the care of parents or when appropriate, other close family members. Children in South Sudan shall remain in the care of their parents or primary care givers and shall enjoy the right to live in a family and in their own family environment during the entire duration of their childhood, unless it is determined that this will lead to significant harm including abuse and neglect, or would not be in the best interest of the child.
- ❖ As such primary child care and protection responsibilities in the Republic of South Sudan lie with a child's parents or primary care giver in a child's own environment.
- ❖ It is the responsibility of the Government of the Republic of South Sudan to ensure families have access to the necessary forms of support in their care-giving role.
- ❖ The Government of the Republic of South Sudan declares that any form of care for children other than care being given by parents or primary care givers in a family environment shall be deemed secondary, temporary and a last resort suitable for only a small number of children. These children shall meet strict requirement for last resort protection and care arrangements away from their parents/primary care givers outside their family environments.

16.3 Prevention, risk reduction, and mitigation

In order to ensure that children are able to live with their family within their own environments, the government shall adopt the following measures and strategies:-

- ❖ Develop national guidelines on the protection and care of children without appropriate parental protection and care. Guidelines should clearly outline the roles of the MGCSW, Ministry of Health; Finance and Planning; Justice and Constitutional Affairs; Education; Interior; Labour, Public Service and Human Resource Development; Culture, Youth and Sports and other partners/stakeholders in the development and promotion of the Policy on Children without Parental Protection and Care. The guidelines will uphold the spirit of the UN CRC and demonstrate the government's practical commitment to the rights of children, particularly children without appropriate parental care.
- ❖ Develop and provide necessary fiscal and technical support for community based child protection mechanisms that enhance family-based protection of children at risk or already experiencing loss of appropriate parental care.
- ❖ Ensure mainstreaming of policy care guidelines, Standard Operating Procedures, and principles and practices in government systems, structures and programs associated with the care and protection of children without appropriate parental care, including children in institutions/facilities that house children overnight.
- ❖ Review the South Sudan Child Act 2008 to include legal measures to criminalize deliberate actions that undermine concerted efforts to uphold the principles and spirit of this policy. The review shall also criminalize all unauthorized movement of children equal to trafficking, even where such movement is sanctioned by parents but without the backing of government policy, procedures and guidelines.
- ❖ Establish a proper community level assessment and risk analysis systems and instruments to anticipate/predict and manage risks at the level of the individual child, the family and

community, and the child's environment. This system shall include standard criteria for assessing the child's and family situation, including the family's actual and potential capacity to care for the child, Best Interest Assessments and Analysis, Best Interests Determination etc.

- ❖ Initiate and conduct studies on family-based care of children and use results to promote appropriate parental care of all children in South Sudan, with attention to best practices in family-based child care and protection.
- ❖ The government holds that such support shall include and as much as possible go beyond:-
 - Registration of births upon the birth of all children, and late registration of all births
 - Provision of parental counseling and guidance on appropriate care practices for all parents;
 - Provision of high quality, relevant education close to home with the aim of protecting any child from separation from family;
 - Development and provision of day, and community-based care initiatives offering respite to parents in the provision of care or rehabilitation of children by their parents, families or care givers;
 - Support for the implementation of pre-primary, primary, and secondary education consistent with GRSS provision for compulsory and free primary education.
 - Continuous review of all preventive support service structures to ensure that support reaches families of children at risk of loss of appropriate parental care or those who will have already lost appropriate parental care;
 - Identification and support for the provision of counseling and related psychosocial approaches to assist individuals recovering from violence, psychological distress, mental challenges, or difficult familial relationships;
 - Identification and introduction of legislation to manage the continued popularization and practice of traditional and cultural programs and events which cause harm to children and are linked to family separation and loss of appropriate parental care. These practices include, but are not limited to, Female Genital Mutilation (FGM), early and forced marriages, general discrimination against children with disabilities, children born on behalf of the dead, and discrimination affecting girls' education.

16.4 Support to vulnerable and at-risk families

The Government of the Republic of South Sudan holds that all efforts should be made to prevent children from living outside their families and away from their parents or primary care givers. Through the Ministry of Gender, Child and Social Welfare and in consultation, coordination, and cooperation with relevant government institutions, and (where possible), government partners:

- ❖ The GRSS shall institute special measures (incrementally) to prevent children from living outside family care. It shall put in place social protection measures to help protect

children at risk of loss of appropriate parental care and shall ensure that existing and new programs do not inadvertently contribute to loss of parental care.

- ❖ Efforts shall be made to ensure that children at risk of loss of appropriate parental care, without appropriate parental care, and in child-headed households are considered in social protection programs and allocated a share of the national budget provided under the social protection framework as defined in the National Social Protection Policy Framework.
- ❖ The GRSS shall pay particular attention to children in need of special support, including children with disabilities, children associated with drug abuse, children living and working on the street, child-headed households, orphans, children from minority backgrounds, unaccompanied and separated children, children of migrant workers and children affected by HIV/AIDS. Children from a minority background specifically, as well as their families, shall be provided with culturally-sensitive care services.
- ❖ The GRSS understands that there exists an undefined menu of measures to support vulnerable families. In order to develop and implement a socio-economic family and community protection framework and program for vulnerable families and children, the following measures should be offered. Efforts shall be made to go beyond the provisions contained here:
 - Family and social protection safety nets, including cash transfers to the most vulnerable families in rural and urban communities;
 - Hunger safety nets in situations of drought or in perennial food deficit areas;
 - Supplementary feeding to poor children;
 - School meals to households in hard to access areas,
 - School feeding programs to increase enrolment and retention of children in schools;
 - A system for learners from poor households and children rescued from child marriages to access food, education and medical assistance,
 - Free birth registration and immunization for children under age five, provided through the Ministry of Health to support quality reproductive health care for poor women;
 - Agricultural subsidies for inputs to vulnerable families;
 - A system for psychosocial counseling and emotional support for vulnerable families and children;
 - A national toll free child helpline for reporting, documenting and processing actions on the protection and care cases of children
- ❖ Encourage provision of adequate health care services for vulnerable families that are close to home, and ensuring continued care and protection to children of parents who are hospitalized or of unsound mind.
- ❖ Support efforts to make justice systems more child-friendly, in order to support and protect child victims of abuse, violence and exploitation. This shall include supporting efforts and processes for the implementation of diversion measures and other measures to reduce juvenile offending, free and fair trials and alternative punishment in line with national legislation on children
- ❖ Work to ensure anti-trafficking laws will not have negative effects and impacts on children on the move

- ❖ Develop a National Child Safeguarding Policy and introduce a Child Protection Bill in Parliament in order to enact the National Child Safeguarding Policy as law according to which the performance of all government workers, affiliates and partners will be judged.
- ❖ Work to ensure that all government programs and offices have adopted the National Child Protection Policy and are applying the policy in their daily operations.
- ❖ Take the lead in mobilizing resources and engaging stakeholders/partners to support the socio-economic protection program

16.5 Special measures to prevent separation and disintegration of order of protection in child-headed households

1. The GRSS shall coordinate provision of support and services (by the local community and competent governmental and non-governmental agencies) to families and children in child-headed households. It will specifically ensure that children who head such households retain all rights inherent to their status as children, including access to education, participation in decision-making, leisure, inheritance and protection of the rights of the child in addition to their rights as "head of household".
2. Strengthen government gatekeeping role by providing protection oversight of all families and institutions through the establishment of Child Welfare Offices and placement of Child Welfare Officers and Inspectors at all government service levels, including the Boma
3. Promote/encourage the provision of appropriately trained staff in relevant government institutions to provide necessary support and professional technical and administrative management of child protection and care programs. All staff will be thoroughly trained on the rights of the child, have special sensitivity to principles and policies of care and protection of children at risk of losing appropriate parental care, and have strong psychosocial support skills and the ability and capacity to engage communities, children, and development partners in supporting children without appropriate parental care.
4. Encourage the work of the parliamentary lobby group on children without appropriate parental protection and care to ensure that there is appropriate address and redress of all matters and administration of concerns on children without appropriate parental care, and to raise political awareness
5. Advocate for development partners to dedicate resources for the implementation and dissemination of the National Policy and the UN Guidelines on children without appropriate parental protection and care.
6. Scale-up partnership with civil society organizations in developing the national agenda for children without parental protection and care, and commit civil society organizations and other key development partners to include and promote the national policy on children without parental care and the UN Guidelines on alternative care.
7. Mainstream the policy principles and requirements in relevant government ministries and ensure alignment with policy principles during all reviews of existing government policies as much as possible, ensure that protection of children without appropriate parental care is mainstreamed in development interventions, including social protection, education and judicial reviews.
8. Ensure that all national development goals, planning instruments and indicators for child protection and care, at a minimum, emphasize support for parental care in the care and protection of children.

16.6 Standards, trends, monitoring, and evaluation

- ❖ Develop and implement child, family and community vulnerability criteria and guidelines, including periodic monitoring/mapping of a child's family and environmental vulnerability and its effect on family integration and child protection.
- ❖ Ensure that adequate services are available to maintain children within their families of origin wherever possible. Services shall aim to empower families with skills, capacities, and understanding of child developmental needs and tools enabling them to adequately provide for the protection, care and development of their children. This includes linkages to income generating opportunities, and support services such as financial assistance and care facilities for parents and children to enable particularly disadvantaged and vulnerable families to fulfill child care responsibilities. Such efforts should draw on the complementary capacities of the GRSS, State Ministries of Social Development, civil society, faith-based organizations, the media, communities, families and children.
- ❖ Establish at National and State levels detailed statistics on children without appropriate parental care to facilitate planning that considers child diversity and needs, (related to age, gender, and types of needs) with numbers and type of services that promote family preservation and, reintegration of children in their family of origin and also meet the needs of children unable or are highly unlikely to live with biological family members.

16.7 Training and capacity building

- ❖ Provide specific training to social workers, teachers, health professionals, police and others professionals working with children, in order to help them identify situations of abuse, neglect, exploitation, extreme forms of labor or risk of abandonment. These professionals are responsible for referring their concerns to authorized governmental organizations. All referrals of suspected child abuse or neglect will be investigated by authorized and competent trained personnel of the authorized governmental organizations
- ❖ Ensure specific awareness on positive and protection oriented parenting to parents/primary caregivers to underscore the role of parents in child upbringing and protection, and the requirement that a child remains under parental care and protection during their entire childhood.

16.8 State level measures

At the State level, establish a broad system of services related to all children in the State. Each State Ministry of Social Development shall deploy gatekeepers within the Ministry of Social Development to carry out functions provided herein.

17. PROVISION OF ALTERNATIVE PROTECTION AND CARE

In this policy and in the context of South Sudan, alternative care means a formal or informal arrangement whereby a child is looked after at least overnight outside the parental home, either by a decision of a judicial or authorized authority, at the initiative of the child, his/her parent(s) or primary caregivers, or spontaneously by a caregiver in the absence of the child's parents.

Multiple factors contribute to situations where families cannot meet their children's basic needs, resulting in the need for alternative care. It is the position of government that financial and material poverty alone, or conditions directly associated with such poverty, should never be a justification either for the removal of a child from parental care or for receiving a child into alternative care, but should signal the need to provide appropriate support to the family in order to ensure appropriate child care and protection. The government holds that no child should be without the support and protection of a legal guardian or other authorized person or recognized responsible adult at any time. However, it shall remain the role of government, where the child's own family is unable or unwilling, (even with support), to provide adequate care for the child, or abandons or relinquishes the child, to ensure appropriate alternative care, with or through competent local authorities and community organizations.

The GRSS will ensure that the provision of alternative care is never undertaken with the primary purpose of furthering the economic, political, or religious goals of care providers. While alternative care is provided and recognized by the GRSS, the emphasis is on promoting overall responsibility for child care, development and welfare to a child's parents/primary care givers. This is being supported by government's legislation and policies in line with the UN Convention on the Rights of the Child and the integrated community-level service provision through State Ministries of Social Development, other relevant State Ministries, civil society organisations and other stakeholders.

Decisions regarding placement of children in alternative care, including those in informal care, will emphasize the importance of ensuring children have a stable home and consistent caregiver, with permanency being a key goal. Attention will be paid to promoting and safeguarding all other rights of children without or at risk of losing parental care, including but not limited to access to education, health and other basic services, the right to identity and language and protection of property and inheritance rights.

Specifically the government shall ensure progressively that children without appropriate parental care have access to free life-saving medical care, including access to emergency treatments such as anti-retroviral drugs (ARVs).

The choice of an alternative care arrangement suitable for a child should be guided by the "best interests" principle, giving consideration to the child's opinion and in consultation with the child's parents or primary care-givers. The government considers that many alternatives for appropriate care are possible within the country and that there will be limited need to promote and strengthen international adoption, which shall remain open to children when deemed appropriate.

In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of three years, should be provided only in family-based settings. Similarly, chronically sick or disabled children who have to enter specialized care arrangements in order to receive full treatment should remain in the care of their parents or primary care givers.

Given the above discussions and in view of the complex issues surrounding the protection and care of children without appropriate parental care, the government shall take the following measures to ensure provision of alternative care:

- ❖ Establish a community structure to work with the government on screening and monitoring of placements of children with people other than their parents
- ❖ Establish criteria for placements of children with persons other than their parents
- ❖ Create and implement a monitoring and evaluation framework and guidelines on the supervision of care of children in informal care placements
- ❖ Develop and support a mechanism for enhancing protection within families in order to support children in informal settings
- ❖ Review international guidelines on the care of children without appropriate care to include South Sudan specific protection and care contexts ensuring appropriate means to enhance the welfare and protection of children while in informal care by relatives or others.
- ❖ Adopt and promote the implementation of the UN Guidelines on alternative care of children without parental care, ensuring the participation of children, parents and communities.
- ❖ Develop and implement the National Action Plan for the Implementation of UN Guidelines on Children without Appropriate Parental Protection and Care
- ❖ Specify recognized forms of alternative care (Supervised independent living arrangements for children, placement with a family member (kinship care); placement with a family friend; foster care, adoption (local or international ; An international and institutional care a educate the people of South Sudan on alternative family-type informal care arrangements available in country for children without appropriate parental care
- ❖ Establish National and State Level Alternative Care Regulation Board and provide guidelines, procedures and policies for their functioning. These include:
 - a) Ensuring that legislative, policy and financial conditions exist to provide for adequate alternative care options, with priority to family and community-based solutions, and give special attention to the minority girl children and children with special needs to ensure that their equal treatment and the promotion and protection of their rights and best interests ;
 - b) Stipulating criteria for children to be admitted for alternative care, qualifications of individuals to provide alternative care, regulations governing alternative care and supervision/monitoring and evaluation of children in alternative care;
 - c) Developing criteria to limit numbers of alternative care providers to an absolute minimum and only in cases where conditions align with the principles identified in this policy paper and existing legislation on child rights and protection and
 - d) Ensuring through regulation that an approved government official is aware of intentions to move a child into alternative care arrangement and that all processes and

conditions required to authorize such movement are undertaken in line with government provisions.

- ❖ Review current legislations to include requirements for parents/primary care givers to cause movement or transfer of a vulnerable child into alternative care only with approval of a designated government official and to criminalize any movement or transfer of a child into an alternative care arrangement without permission of the MGCSW.
- ❖ Develop informal and formal alternative care databases linked to the national child protection database/information management system and profile all information on children in informal alternative care.
- ❖ Conduct regular inspection, review and updating of the database and ensure alignment with information collected through/with other review processes, including Best Interest Assessments and Determination
- ❖ Develop a mechanism that ensures all informal care providers, whether within the extended family, friends or with other parties report children under their care to the MGCSW or authorized agent within the community in which the child is admitted. This shall include sharing of data including child name, date of birth, mother and father's names, tribe and residential address and the reasons for which the child has been placed with the informal care-giver
- ❖ Identify and define the limits of financial and non-financial needs within which informal care providers may seek for a child under their care due to recognition of the needs of children including those with disabilities and living with HIV/AIDS.
- ❖ Ensure that while support may be provided for the relief and benefit of individual children without appropriate parental care and protection, all financial and non-financial assistance should aim to promote the general protection and care of whole family units, enhancing integration with minimal or no disruption of order of benefits in the family where a child is admitted.
- ❖ Any child found to be placed in an informal care family that is not meeting his/her best interests or is detrimental to his/her welfare or development will be subject to the MGCSW Child Protection Procedures. This may include the removal of the child to a more appropriate care setting where his/her developmental needs and welfare can be met. Members of the child's birth family will be party to these proceedings and informed of the outcomes of the investigation.
- ❖ Institute a complaints mechanism through which all complaints, including those made by a child or on behalf of a child's treatment or services, shall be heard.

18. PROVISION OF FORMAL ALTERNATIVE CARE

The conditions in families following over 20 years of war is less than appropriate for meeting parental obligations to provide primary care for children. Many parents are unable to cope with their parental responsibilities due to the multiple social and economic burdens affecting fragile families and communities. This leads children to run away from families or to be knowingly abandoned by parents and family. Some parents approach government officials and religious and

civil society representatives asking for support with child rearing and development. Many institutions have been established in order to provide requested supports with, generated from various sources with the purpose of improving child protection and care. In some cases, only a small fraction of funds is used for protection and care to the children for whom funds were raised.

The following policies are intended to address the foregoing concerns:

- ❖ Make it known that the MGCSW shall be the sole agency mandated to provide registration to institutions providing formal alternative care arrangements to children.
- ❖ Make provisions to allow only a limited and critical number of agencies that meet strict professional service standards and meaningful justification to undertake interventions to support children without appropriate parental care.
- ❖ Ensure that proper systems of assessment, case management and regular review are in place for children already in residential care
- ❖ Review the provisions of the Child Act (2008) to align it with policy provisions for the formal care and protection of children without parental care.
- ❖ Work with institutions providing formal alternative care to pursue the priority objective of providing long term solutions of protection and care with parents and families within a child's own environment
- ❖ Specifically ensure that legislation criminalizes the operation of formal care institutions without approval from the MGCSW, and that fines imposed are sufficiently high to deter opportunistic individuals and groups bypassing the practices of registration and investment in formal care.
- ❖ Ensure that care institutions are established as charitable not-for profit institutions that shall be responsible for declaring financial and other forms of assistance received.
- ❖ Define the costs related to running an informal care institution and provide limits of financial aid received for running institutions, with the aim of standardizing and limiting excessive investment in non-family based protection and care.
- ❖ Provide for strict reviews of applications for registration, assessments of proposed formal care facilities and vetting of human resources within institutions to ensure adherence to the national child safeguarding policy and to the rules and regulations governing staffing criteria and standards.
- ❖ Ensure that institutions have safe and well monitored accommodation for children who have no choice but to reside away from family and home environment
- ❖ Ensure formal care institutions are located as much as possible within local communities from where children originate.
- ❖ Establish coordination and cooperation with identified line ministries to provide and supervise protection and care of all children in public and private institutions where children live away from their parents and family environments for more than one week
- ❖ Institute cooperation with the line ministries and amendments of policies, guidelines and procedures to include the requirement for the MGCSW to regulate protection and care

within any institution holding children away from their parents and in environments other than that of their families.

- ❖ Ensure only institutions that shall meet strict standards of protection and care of children and who internalize the principles and practices of child protection shall receive permission to run boarding facilities alongside their institutional programs.
- ❖ Ensure service providers wishing to provide alternative forms of care for children demonstrate knowledge of the UNCRC, the South Sudan Child Act (2008) of the Republic of South Sudan and relevant existing guidelines and policies in South Sudan.
- ❖ Ensure that at a minimum, all formal care institutions are safe for children and are accessible to the children's parents, their kin and other children and community members.
- ❖ Ensure that, all institutions sign and adhere to a government instituted child safeguarding policy and local child safeguarding policy is developed and implemented by each institution
- ❖ Ensure that all formal care institutions keep siblings together by admitting them to the same institution of protection and care
- ❖ Ensure all alternative care placements proceed only after fully exploring options and efforts to have the child remain with parents or primary care givers in the child's own environment and after determination by an approved authority of the MGCSW or designate.
- ❖ Ensure formal care institutions have suitably qualified or trained and competent staff to undertake the roles as set out in their work plan or institutional plans, have child protection and safeguarding policies and procedures, have a suitable case management system and have a credible, transparent, and accountable management structure to oversee the safety and welfare of any child receiving its service.
- ❖ Bring boarding schools and similar institutions where children reside overnight under the purview of the policy on children without proper parental care and ensure (in coordination with relevant line ministries) they comply with said policy.

19. CHILDREN LIVING AND WORKING ON THE STREET AND CHILDREN ON THE MOVE

The GRSS is alarmed by the rapid increase of children on the streets and those identified as children on the move. While preventive measures provided in this document are considered sufficient to support these two groups, the government will move quickly to manage these urgent concerns as they affect a very high number of children across the country.

In the short to medium term, the government shall take the following measures to ensure improved protection and care for affected children, and to bring to an end the trend of separation leading to children living on the streets or being on the move:-

- ❖ Declare and make known that no child shall be allowed to live on the streets or to be on their own overnight anywhere including the streets of the towns and cities of South Sudan.

- ❖ Establish legal and administrative mechanisms to ensure any child on the street or on the move is rescued and provided necessary assistance in accordance with his/her needs, and situation, in consultation with parents and primary care givers, where applicable.
- ❖ Establish a special rescue and rehabilitation program for children living and working on the street and children on the move.
- ❖ Set up Rapid Response Rescue Centers in key locations to receive children for registration and assessments and to provide emergency placement of children in appropriate interim protection and care arrangement.
- ❖ Conduct registration of all children on the street and those on the move and set up a database of all children registered for ease of implementation of the policy, and to enhance protection and care of children.
- ❖ Conduct a nationwide rescue operation of all children on the streets and place rescued children in government established/approved interim rescue facilities.
- ❖ Conduct Best Interest Analysis (BIA) and Best Interest Determination (BID) for all children registered on the database and provide appropriate placement arrangements based on BIAs and BID reports. Ensure all rapid rescue operation occurs within 6 months from date of approval of this policy so that all children in South Sudan have a claim to appropriate care and protection as required by policy, principle and practice, and international standards of child protection and care.
- ❖ Review the South Sudan Child Act (2008), and make it an offence for a parent to fail to report to a Child Welfare Officer that a child in the parent's care is about to separate or has separated from them and is living on the streets.

20. CARE AND PROTECTION OF CHILDREN IN EMERGENCIES

South Sudan has experienced multiple emergencies, influenced by recurrent conflict and weather patterns such as flooding, which result in population displacement and most severely affect children and women. During emergencies the protection and care of children is compromised. Many children are separated from family/kin, while others fall into hands of opportunistic individuals who keep them on the move for exploitative and abusive purposes. Lessons learned from countries in situations similar to South Sudan reveal that emergencies open up flood-gates for trafficking, abduction, and sexual exploitation of children both in institutional care and other care arrangements. The protection gaps are known to exist during conflict, post-conflict and natural disaster situations and affect displaced children in even more complex ways.

Special requirements relating to responsibilities of stakeholders (including care providers and foreign agencies involved in assistance to emergency affected children) are necessary, as are requirements as to necessary authorizations, roles and preparedness including minimum levels of training. In order to address the preceding concerns, the government shall put into place the following policies:

- ❖ Develop Standard Operating Procedures (SOPs) for the protection and care of children during emergencies. This should cover all matters concerning children who are vulnerable to loss of appropriate parental care, as well as children already in alternative care arrangements, including institutional care (government, private and faith based institutions).
- ❖ Review existing legislations and guidelines for institutional care of children without appropriate parental care to incorporate SOPs on children without appropriate parental care prior to, during and following emergency situations. Particular attention will be paid to appropriateness of respective forms of care under the mentioned conditions, the aims of care, and obligations to facilitate family tracing, reunification, and reintegration. As a matter of principle, the government shall ensure that adoption as a form of care and protection in emergency situations is disallowed. Children Associated with Armed Forces and Groups are deemed to be in need of appropriate parental care and protection and SOPs shall incorporate their rescue, disarmament, demobilization and reintegration, ensuring speed of intervention as a rule. Given the likelihood of children crossing national borders, the government will define principles regulating and limiting cross-border displacement of children without appropriate parental care and protection.

21. FINANCING CHILDREN WITHOUT APPROPRIATE PROTECTION AND CARE POLICY

The government shall allocate appropriate and sufficient funds to support the care and protection of children without appropriate parental care through the social protection program. At least **10%** of the National Social Protection budget shall be allocated for child protection and care programmes of the Ministry of Gender, Child and Social Welfare.

- ❖ The GRSS and State Ministries of Social Development shall make all possible efforts to allocate sufficient human and financial resources to ensure optimum and progressive implementation of this policy. When necessary, international assistance should be sought in this regard. The enhanced implementation of this policy, should appear in development co-operation programmes.
- ❖ The GRSS shall set aside special funds, and provide adequate human resource to ensure the rescue mission is accomplished in a timely manner

22. IMPLEMENTATION MECHANISMS

The National Policy on Children without Appropriate Parental Care shall be implemented through an action plan detailing strategies, activities, target groups, time frame and budget lines. Implementation will require involvement of all agencies whose services are deemed to affect or have impact on the protection and care of children. These shall include Government Ministries as the main agencies, Non- Governmental Organizations, the private sector, and various child rights and protection organizations. The Ministry of Gender, Child and Social Welfare shall spearhead the overall policy implementation, monitoring, evaluation, and review in addition to mobilizing resources necessary for the implementation of the policy. The GRSS will ensure that an independent unit within the Ministry of Gender, Child and Social Welfare has the authority

under national law to oversee the implementation of this policy. Partnership with the different organizations will play a key role in achieving the policy's objectives.

23. CHILDREN'S PANELS

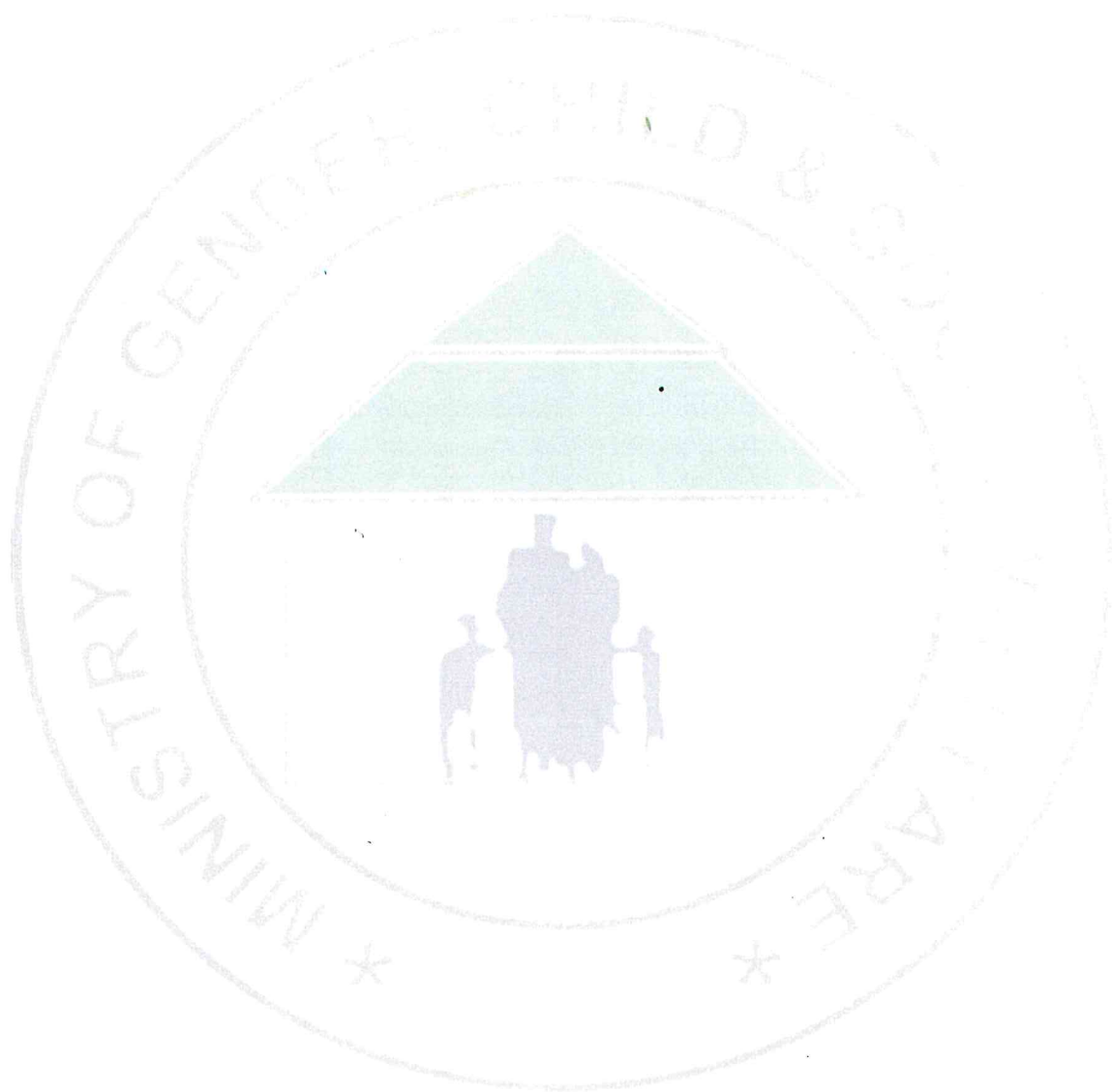
The State Ministries of Social Development shall establish Children's Panels as the decision-making bodies that will decide where a child will be placed or if reintegration back to the family of origin is the best course of action following the assessment by the authorised person.

The Ministry of Gender, Child and Social Welfare shall however provide the guidelines and SOPs regulating the operation of the Children's Panels, the term of office, remuneration and other essential elements that shall ensure the Panel has a legal authority to function effectively.

It is considered that the composition of the Panel shall generally be drawn from fully trained senior members of the Departments of Social Development and Child Welfare, Department of Gender, Juvenile Justice or similar structures as Women and Juvenile Justice Departments, a Social Work Manager, an Adoption Service Manager, a Fostering Service Manager, a paediatrician, a lawyer, an adoptive parent, a foster parent and a young person who has experienced an alternative form of care.

24. REFERENCES

1. Guidelines for the Alternative Care of Children (2009)
2. The UN Hague Convention on Adoption (1993),
3. The UN Convention on the Rights of the Child (UNCRC)
4. The South Sudan Child Act 2008
5. Interagency Guiding Principles on Unaccompanied and Separated Children
6. The African Charter on the Rights and Welfare of the Child (ACRWC)
7. Missing: Children without Parental Care in International Development Policy (Every Child) November 2009
8. Summary of Institutional Baseline Study (Mark Riley, July 2012)
9. Children in Informal Care: Informal care Discussion paper (UNICEF)
10. Moving Forward: Implementing the Guidelines for Alternative Care of Children
11. Assessment Report of the Alternative Care System for Children in Kenya (SOS Children's Village International)
12. Investing in Boys and Girls in Ethiopia: Past, Present, and Future



**SOUTH SUDAN NATIONAL POLICY ON THE PROTECTION AND CARE OF
CHILDREN WITHOUT APPROPRIATE PARENTAL CARE**

