

CHILDREN IN INSTITUTIONAL CARE:
THE STATUS OF THEIR RIGHTS AND PROTECTION IN SRI LANKA

RESEARCH PROBLEM

Background and Context

The economic, social and political forces operating in Sri Lanka for the last few decades have increased pressure on families. Children are more vulnerable to risks, such as abuse and neglect with a resulting increase in the number of children being institutionalized. Since the tsunami, there has also been increased interest in supporting children's institutions, despite the Government of Sri Lanka categorically stating that children will only be institutionalized as a last resort. In fact, many people see institutionalization as the best form of care for children who have lost parents, or who lack a protective and caring environment.

According to the Department of Probation and Child Care Services (DPCC), nationally, there were 223 children's institutions nationally in 2002, caring for 11,495 children. This is a sharp increase in the number of institutions since 1991, when there were only 142 institutions registered with the DPCC. Institutions stigmatize and segregate children which results in difficulties adjusting to life outside institutional care. Institutions also reduce and often intentionally limit contact with families, communities and other children. Moreover, they also neglect individual and personal care, provide little stimulation, and are unable to respond effectively to the psychological needs of children.

Research Objectives

The overall goal of the study was to enhance knowledge on the protection and rights of children living in institutional care and to use this knowledge to promote research-based policy change, and facilitate the implementation of best practices and suitable alternatives to institutional care. The specific project objectives included a) a mapping of basic information about children's institutions in the North-East, Southern, Western and Central provinces, b) an analysis of the quality of services in institutions to meet children's present and future needs, expectations and challenges, and to determine instances of good practices for quality care; c) the assessment and the identification of gaps in existing policies, procedures and regulations relating to children's institutions; and d) an identification of causal factors for the institutionalization of children as well as track preventative practices and alternatives to institutional care.

METHODOLOGY

The study was conducted in two stages. Firstly, institutions in each province were studied; surveys were conducted to obtain basic information about institutions in the North-Eastern, Southern, Western and Central provinces. Secondly, an in-depth study with one quarter of the institutions in all four provinces was undertaken. From the 329 institutions currently in operation in Sri Lanka, 86 were selected. These institutions were further classified according to type, which included state-run institutions, voluntary institutions, and institutions for children with disabilities. Here a stratified random sample was used taking gender, ethnicity, religion and district as important variables.

Data was collected through the use of methods such as Venn Diagrams, which were visual models created by the children to identify institutions and individuals they felt were important or had an impact on their lives. The study also used Pair-Wise Ranking, in which the children identified lists of services that they felt that they received in each home and compared and rated these services, via lists, to indicate their perceived importance of these services. The project also

utilized Diamond Ranking, which required children to create a visual model of the issues of importance to them, and subsequently rank them according to a diamond shape. In this way, children were required to prioritize one issue as the most important, two as the next important and so forth. As well, a picture of a barometer was placed on a large chart and the children were asked to mark on the barometer itself the extent to which they felt they were familiar with the Convention on the Rights of the Child (CRC), with 0 indicating they had never heard of the Convention and 100 indicating very knowledgeable. Finally, focus group discussions were held with a selected group of children from each institution. These discussions, which involved leisure and fun activities for children, dealt with individuality, privacy, care and protection issues, social interactions, interactions with family and future aspirations of children.

A research advisory group comprising researchers from each research organization, representatives from Save the Children in Sri Lanka, the Department of Probation and Child Care and the Tamil Rehabilitation Organization (TRO) a key NGO working in the North-East, met monthly to discuss the progress of the study and formulate the methodology. Additionally, the children also formed a research advisory group. Their involvement in the research included the development of research objectives and research questions, the designing of the methodology and the providing of input into research findings. The Children's Advisory Group was also consulted half-way through the research. A one day workshop was held to obtain comments and feedback from the children on the preliminary research findings.

FINDINGS

Overview of Children's Institutions

- While non-state institutions, were largely seen as institutions for orphans, almost 80% of the children in non-state institutions had at least one living parent.
- In 50% of the cases in non-state institutions, poverty was cited as the reason for admission.
- Out of the total number of children, the majority (52.2%) were girls. In all provinces, the highest number of children was aged 11-14 years.
- In all four provinces, when the children's ethnic identity was not known, the children were brought up in the ethnic identity of the majority of children. However, even when the ethnic identity was known, in some institutions, children belonging to minority ethnic groups were brought up in the ethnic identity of the majority in the institution.
- Insecurity of employment resulted in a high turnover of staff in children's institutions which affected the consistency of relationships between children in these institutions and their caregivers.

Causal Factors for Institutionalization

- There was a lack of proper documentation about the reasons for a child's placement in an institution.
- This study found that the majority of children in institutions were from families with relational or socio-economic problems.
- In state-run institutions, those institutionalized were mainly children in conflict with the law, but among the state-run institutions for girls, there was a high number (31% in the certified school) who were placed in the institutions as a result of being sexually abused.
- In the voluntary institutions, the main reasons for children being institutionalized were poverty and conflicts within families due to substance abuse, marital conflicts and separation of one parent either due to employment or marital conflict.

Quality of Care and Good Practices: Basic and Material Needs

- The children were not satisfied with the food they received. They were not provided with a balanced and nutritious diet as required, as vegetables and fruit were rarely given.
- In the voluntary institutions, the children were often seen preparing their own food in inadequately equipped kitchens as there were insufficient cooks in the institutions.
- Children valued their privacy and did not wish to disclose their private lives. Children did not want sympathy from others. They wanted to be treated equally to other children.
- Overcrowding was a problem in these institutions. As sufficient beds were not available and the dormitories were crowded, some children slept in the corridors.
- Material resources within institutions were far from acceptable. Basic necessities such as water, soap, and toothpaste were not provided adequately to children. Children therefore suffered from skin diseases.
- Instead of providing comfort to sick children, caregivers invariably scolded them and passed nasty remarks. Also, when a child fell ill, his or her friends took care of the child in hospital, even if it resulted in absence from school.
- In voluntary and state-run institutions, the children requested proper vocational training, as they had been receiving out-dated and stereotyped vocational training.
- Duties and responsibilities within the institution took precedence over schoolwork.
- In state institutions that had space for play, children were not allowed to play freely, as caregivers kept a careful watch. Furthermore, the children felt there was no diversity in the sports in which they engaged, as any available equipment was also in short supply.
- Although there were guidelines for minimum standards in children's institutions, these were of no use in actually ensuring that these standards were maintained or even implemented. There were no repercussions if the standards were not maintained; repercussions were rarely implemented even if seriously violated.

Emotional Needs of Children

- Children in state institutions felt they were treated like prisoners, as they were constantly under the control of the authorities and had no opportunities to express their views.
- The lack of consistency in treatment and privileges was one of the greatest difficulties evident in the relationship between the children and their caregivers.
- Several girls in state institutions were victims of child abuse and needed love and kindness from their caregivers. However, according to the children, the caregivers rarely showed any kindness to them but often scolded them and passed nasty remarks.
- Children's interpersonal skills were limited due to lack of experience. Furthermore, the feeling of being unloved and unwanted left them extremely vulnerable to manipulation.
- None of the institutions had activities, plans or programs that looked at equipping the child to either reintegrate with their own family or to return to their own communities. In fact, the management from many institutions actively discouraged links with the community as it felt that interference from parents would affect children's behaviour.
- Institutions had also not made efforts to reduce the number of children entering institutions by making parents aware of the negative consequences of institutionalisation.
- In some institutions, the United Nations Convention on the Rights of the Child and children's rights were taught as part of the school curriculum. Posters, notices and handbills have also raised awareness among children on their rights. However, this convention was not used as an instrument to help caregivers deal more effectively with children.

Good Practices and Alternatives to Institutional Care

- In some institutions, when parents visited their children, the latter were allowed to leave the centres with their parents.
- Some institutions allowed caregivers' own children to play with institutionalized children and little differentiation was made between the two groups of children.
- In a few institutions, children were in small groups in separate cottages, with a caregiver designated as 'mother' in efforts to minimize the feeling of institutionalization.

RECOMMENDATIONS/LESSONS LEARNED

Recommendations for Childcare Standards

- Individual plans of intervention for the safety, protection and wellbeing of the child, needs to be developed at the beginning of the institutionalization process.
- At all stages of institutionalization, priority should be given to children's views on what they feel are the best options for them before decisions are made on their behalf.
- Guidelines and minimum standards should specifically look into admission criteria, care plans, and promoting permanent contact with children and their families.

Recommendations Regarding Alternatives to Institutional Care

- There needs to be a shift in attitude among those working with children to more community-based approaches.
- There is an urgent need for awareness-raising, especially among policymakers and caregivers regarding available alternatives to institutional care for children to ensure that the promotion of alternatives is not confined to paper and that it is practiced in the field.
- Provincial commissioners should be encouraged to explore the possibilities to adapt and initiate activities within their own provinces that meet the needs of their populations considering resources and opportunities available in their respective localities.

Recommendations for Procedures, Mechanisms, and Resources

- Systems should be in place to ensure social reports actually make an assessment of the socio-economic background of the child, including an assessment of the cause of institutionalization.
- Criteria for institutional admission must be laid down more systematically, ensuring that those children most critically affected and without alternatives are admitted to institutions.
- The Department of Probation and Child Care Services should systematically monitor institutions and periodically review the registration of institutions every 2 or 3 years.
- A minimum set of standards should be developed for those who are placed in positions of responsibility and care with regard to children to develop their competencies.