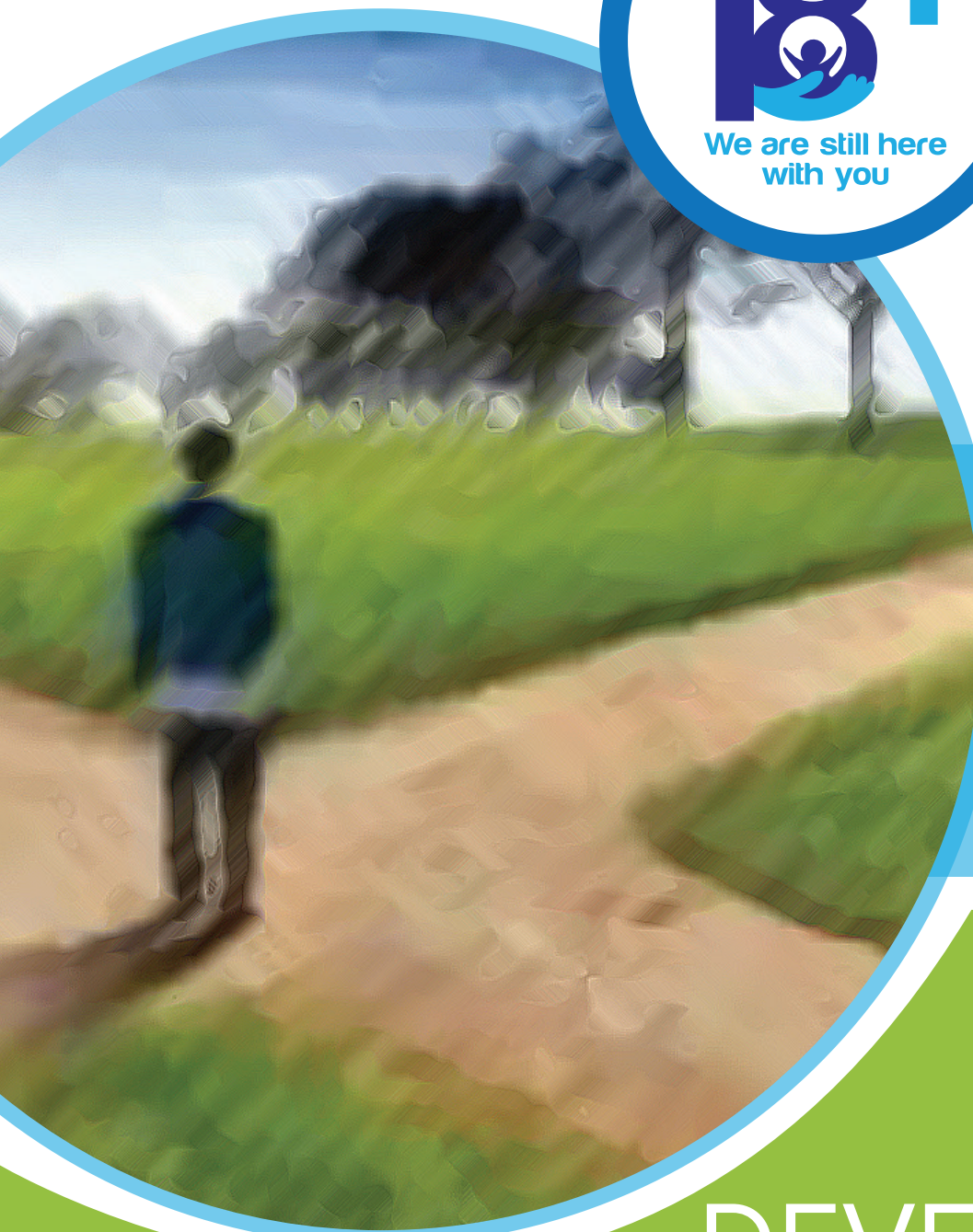




SOS CHILDREN'S
VILLAGES
SRI LANKA



We are still here
with you



DEVELOPING SUPPORT SYSTEMS

For Youth Leaving Care

NEVER GIVE UP ON A CHILD

“I entered into society after spending 15 years in children’s homes. Obstacles, challenges, criticisms and commendations are abundant. By overcoming the immense helplessness that I felt when everyone looked at me as if am an alien who did not fit into society, I finally feel as if I have succeeded in life today.”

– A care leaver (female)

18+ : Developing Support Systems For Youth Leaving Care

1.1 EXECUTIVE SUMMARY

When youth in child care institutions in Sri Lanka reach the age of 18, they are required by the country’s law to part with their care homes and live independently as an adult. It is evident that most youth aging out of residential/institutional care (‘care leavers’) are not prepared for this transition. As such, these youth must be afforded opportunities to develop essential skills and a strong support network. Without such development, they often encounter mental health issues, unemployment, delinquency, abuse, substance dependency and homelessness. At present, State mechanisms to support care leavers do not exist. Whether it be a legal or policy framework, institutional commitment, resources or services, they remain an invisible group of youth to the public as well as the State. SOS Children’s Villages Sri Lanka has had much success in supporting youth to thrive as independent adults through the provision of continued support beyond the age of 18. From this experience, we recommend State parties establish a system that provides preparation while in care and afford aftercare support to empower youth leaving care, helping them confront the exigencies of an independent life. Firstly, we propose the development of youth services to plan departure and prepare for independent living. Secondly, we propose the establishment of a range of aftercare services, including financial and networking support and a monitoring mechanism to ensure effective delivery. Thirdly, we propose the development of staff/carer capacity to better support youth in this transition. Fourthly, we propose a system for information collection, management and tracking the state of care leavers in Sri Lanka.

1.2 THE CONTEXT AND IMPORTANCE OF THE PROBLEM

Adolescents who are uprooted from alternative care placements (e.g. children’s homes) by law upon reaching the age of 18 do not always have a family ready to welcome them back home, a safe place to move into or any means of self-sustenance. Some of these youth are still studying for the Advanced Level Examination when they reach the legal age that necessitates them to leave care, having started schooling at a later stage due to adverse life circumstances. Hence having to leave care at 18 not only places them in a difficult conundrum but exposes them to significant vulnerabilities including abuse and exploitation. In the Sri Lankan context, ‘parental responsibility’ does not cease at the age of 18 though children are legally deemed to be ‘adults’ by then. Given the social fabric of the country and the fact that higher education is pursued by most children, parents continue to support them through their years of higher education and even until children are given in marriage. In such a backdrop it is unjust to expect youth in alternative care to navigate the anxieties of society alone at the age of 18, with no external support.

With an abrupt deviation from the support they were accustomed to in care, many care leavers suffer from stress, depression and anxiety. Often conditioned to

dependence and denied responsibility for their lives, youth find that leaving care is a jarring experience. Many care leavers lack family links and positive adult connections within their community as well as life and coping skills, being raised in closed, restrictive environments. These children are particularly dependent and vulnerable. The same degree of support given during care cannot be provided upon departure, and disappointment is often somewhat inevitable (Development Solutions 2016, p. 62). The resulting feelings of isolation and loneliness can be overpowering and often lead to consequences such as substance abuse, risk-taking behaviours or even self-harm and suicide. These feelings are also encouraged by the stigma of being raised in institutional care, and this discrimination leaves even successful care leavers vulnerable to marginalisation. Such youth are especially in need of psychosocial support including counselling during this transition period compared with their peers transitioning from their own family homes. To ensure the emotional wellbeing of care leavers, there must be a delicate transition from promoting independence during care, to maintaining support aftercare.

Nonetheless, care leavers have little access to such support, and find themselves unexposed to the realities of the outside world. Restricted access to protection, education, social relationships and services from the outset leads to difficulties in finding employment, suitable housing, safe relationships and opportunities for thriving. For instance, less than 10% of care leavers interviewed in 'Tracking Footprints: Sri Lankan Report 2010' of SOS Children's Villages Sri Lanka had completed G.C.E Ordinary Level or Advanced Level Examinations. The report concludes that the low level of education attained by care leavers strongly correlates with their poor access to employment and low income (p.6). Although care leavers of SOS Children's Villages have the benefit of vocational training centres, which are essential for those who are unsuccessful in their Ordinary Level, such opportunities are not currently available for all care leavers. Care leavers with disabilities find themselves further disadvantaged, particularly when searching for employment. Research has also demonstrated that less than the 60% of voluntary homes declare they possess the Birth Certificate of every child hosted (Rocella 2007, p. 27). The

absence of the Birth Certificate and the presence of an incomplete Birth Certificate or a probable Birth Certificate has the effect of denying the care leaver access to several services needed by an independent individual, including employment, banking services and passports.

Research shows that young people benefit more when the transition is supported and planned well before the date of departure, compared with those who leave care prematurely and abruptly. Ideally, it should be an ongoing process which begins from the moment a child enters care. The aftercare plans should be individualized and prepare young people to face the world with confidence. Despite the research showing the vulnerabilities of care leavers, with specific measures to be taken in relation to aftercare being stipulated in the United Nations Guidelines on Alternative Care of Children (refer Sections 131-136), in practice, most care institutions in Sri Lanka have no systematic process through which to re-integrate youth into society when care ends.

"The process of transition from care to aftercare should take into consideration children's gender, age, maturity and particular circumstances and include counselling and support, notably to avoid exploitation. Children leaving care should be encouraged to take part in the planning of aftercare life. Children with special needs, such as disabilities, should benefit from an appropriate support system, ensuring, inter alia, avoidance of unnecessary institutionalization. Both the public and the private sectors should be encouraged, including through incentives, to employ children from different care services, particularly children with special needs." – UN Guidelines for the Alternative Care of Children (Section 132)

At present, struggling care leavers receive focused attention or assistance from the State. Although a progressive step has been taken, the government of Sri Lanka by incorporating aftercare in the newly adopted National Alternative Care Policy 2019, it is to be integrated into their legal, and administrative mechanisms. In fact, there does not exist even a database or a tracking system for youth leaving care each year and therefore, what becomes of these youth after leaving their care placements or their life circumstances are unknown.

“After leaving care at 18, when I really needed some support in life, I had to spend an entire night at the Goodshed bus stand in Kandy with no support in sight. I left Kandy and came to Colombo, determined to be ‘someone’ one day, and I worked hard. Today, I am heading an organization that helps thousands of children. When I went to a bank one day to apply for a credit card, they rejected me because I don’t have a permanent address and a proper Birth Certificate. Is this my fault??”

– A care leaver (male)

1.3 CURRENT LEGAL AND POLICY CONTEXT

Although both the *Orphanages Ordinance, No. 22 of 1941 (as amended by No. 45 of 1946)*, the *Children and Young Persons Ordinance, No. 48 of 1939* and the *Houses of Detention Ordinance, No. 5 of 1907 (as amended by Act No. 26 of 1955)* provide for vulnerable children and young persons until they fall outside the prescribed age determined by each of these instruments, no corresponding legal framework addresses the transition to independence or aftercare of youth leaving care. Section 15 (b) of the Orphanage Ordinance which governs all voluntary child care institutions limits protection of children ‘until such times as [they] attain the age of eighteen years’. Therefore, child care institutions and State officers are compelled to remove eighteen-year-olds by necessity of law. Although the Ordinance considers ‘the circumstances in which orphans and deserted children may be admitted into the Children’s Home accommodation and maintenance therein and their discharge therefrom’ (emphasis added), there seems to be no effective basis on which the wellbeing or transition of care leavers is ensured.

Section 88 of the Children and Young Persons Ordinance which governs State-run Certified Schools, Approved Schools and Remand Homes defines a ‘child’ as a person under 14 years and ‘young person’ as a person between the ages of 14 and 16. Although it states that Certified Schools can accommodate children in conflict with the law and those in need of care and protection between the ages of 12 and 16 for a period of 3 years, the Ordinance does not specify the means of social reintegration of these children upon the completion of the 3 year ‘rehabilitation’ process. The State Detention Home which has been established with the objective of housing and rehabilitating orphaned, abandoned and destitute children (both boys and girls) between ages 5 and 15 is governed by the *Houses of Detention Act*, yet once again the law does not provide for the transition or aftercare of these children.

In addition to the above discrepancy in the legal age after which care ceases, it must be noted that despite what the law prescribes, youth who are well over 18 could be found in many institutions, both State and voluntary, mostly owing to the lack of preparedness or the means to survive independently.

The only references to aftercare is made in the *National Alternative Care Policy (2019)* and in the *NCPA (draft) Guidelines and Standards for Child Care Institutions in Sri Lanka (2013)*.

In the National Alternative Care Policy, it is considered important to,

“Ensure that 18-year-olds are prepared for leaving a care setting with an aftercare plan and are allowed access to a network of peers, caregivers, and service providers in both the State and non-State sectors for additional support, including provision of education and vocational training, job placement, housing and access to psychosocial, legal and health services, together with appropriate financial and emotional support during integration with special services for those with disabilities and special needs.” (Section 6.5.12.)

However, an implementation plan to put the policy into action is yet to be developed.

Under the Section 3.17. 'Promotion of Independence and Leaving Care' of the NCPA Guidelines, it states that when children leave care institutions, they should be afforded opportunities for education and fruitful employment; instructs the institution management committee to assist care leavers with accommodation and employment; prescribes a duty of childcare institutions to provide care leavers with relevant documents, e.g. birth certificate, medical records, education related certificates; dictates that the child should be provided necessary guidance and support regarding leaving the facility; and advises for arrangements to be made to safeguard the future of care leavers without parents or relatives and a monitoring process to be established by the Department of Probation and Child Care Services until at least 1 year after the child has left the care

institution. However, these guidelines are still in draft form and are not well known, referred or adhered to by child care institutions or relevant government officers. Further, guidelines are insufficient in the absence of good policy and practical measures of implementation including resources to remedy the issue.

Overall, care leavers are invisible in the numerous national policies that have been formulated to promote the rights and wellbeing of individuals, including in youth policies. Children and young persons with disabilities in alternative care are doubly disadvantaged and rendered further invisible through separation from other children in care through the current institutional arrangement where they fall under the purview of the Department of Social Services instead of the Department of Probation and Child Care Services, which is responsible for all other children in alternative care.

1.4 POLICY RECOMMENDATIONS

"Education, employment, permanency and attachment, stability of housing and the development of healthy and supportive social networks are some of the key areas which are emphasized internationally as key components in creating successful avenues for young people in transition to independence"

- Udayan Biennial Conference, 2016

1. Each child/young person's level of readiness for independent living should be assessed as per relevant indicators such as educational and psycho-social needs, ability/disability, family/social connections, etc., instead of compelling them to leave their care placements as soon as they reach the age of 18.
2. The State should ensure the proper preparation of care leavers including awareness of and access to essential life and survival skills including vocational training, and integrate transition to independence in the child's care plan from the inception. Such preparatory programmes should be inclusive of the needs of children with disabilities.
3. A semi-independent living programme, or similar social reintegration programme, should be put in place to enable youth to experience responsibility well before departure from care. However, it is crucial that such a program suitably involves companionship, whether through a reference person, housemates or a youth community.
4. Following departure from the care placement, aftercare services should ensure that suitable housing, educational and employment opportunities, financial guidance and psychosocial support are afforded to all care leavers inclusive of those with disabilities, regardless of the type of care placements they were in or the age at which they left care. Interim care should be available for those leaving care prior to turning 18 without family support.
5. Public-private partnerships should be provided for in the institutional framework in order to use all possible resources to provide interim and aftercare services.
6. A network for social, emotional and mental wellbeing should be established, including ongoing psycho-social support and follow up services to ensure successful re-integration.

1.5 ACTION STEPS

In line with the above recommendations, we propose the government of Sri Lanka to take the following measures in collaboration with non-State (i.e. NGO/voluntary and private sector) service providers:

1. Amend the provisions in the Orphanages Ordinance and the statutes of provincial probation departments which (by inference) make it mandatory for children to move into independent living upon reaching the age of 18 years. Instead, make provisions in the law to allow youth in any residential care facility or care placement to continue to receive interim care such as in a youth facility for a reasonable but limited period of time based on individual requirements, while establishing a legalized mechanism for providing aftercare support for care leavers.
2. Incorporate provisions supporting care leavers into the implementation plan of the National Alternative Care Policy 2019 and in other relevant policies in their formulation and/or implementation, especially those related to youth such as National Youth Policy 2014, National Youth Employment Policy 2007, National Skills Development report 2015 and Employment and National Human Resources and Employment Policy, 2017.
3. Organize an inclusive youth community that caters to semi-independent living for youth aging out of the alternative care system including those with disabilities. In the preparation for leaving care, youth could choose to live in shared flats, hostels or other similar forms of accommodation with other youth, which they should be supported in accessing.
4. Provide 'life integration' services including job placements that work intensively with care leavers for a short duration to acclimate them into an independent life. This would also support youth living with a disability to find the assistance they would need once aftercare services drop.
5. Organize subsidised placements and quotas at existing vocational training and higher educational institutes, with inclusive programmes and facilities for care leavers with disabilities.
6. Support child care institutions to instil essential life skills, so that youth can thrive in both vocational pursuits and independent living. Caregivers of child care institutions must be provided with the necessary training in this regard.
7. Enforce regulations and procedures that enable care leavers to be legally entitled to all essential documents (National Identity Card, Birth Certificate, medical records, etc.) required for the use of essential services, upon leaving their care institution.
8. In terms of financial support, provide assistance for further education and start-up capital for care leavers going into business in partnership with private companies and I/NGOs. Low income earners and care leavers with disabilities could also receive some initial support to facilitate long-term independence.
9. Support the '18+ Alliance', which is a formal partnership of service providers across civil society and private sectors, including educational, vocational, employment, housing, health, psychosocial, financial, economic and legal fields. This Alliance has been formed in 2017, to provide aftercare services to youth leaving care and promote their rights, and is the first of its nature in Asia. Provide for this Alliance within the legal, policy, administrative and institutional frameworks, collaborate with the Alliance and maintain a database of aftercare service providers.
10. Support the 'Generation Never Give-up (GNG) Network' of care leavers in Sri Lanka, which was formed in 2017, as the first of its kind in Asia, to provide peer support and promote their own rights as well as the rights of children still in care. Support extended to them could include access to psychosocial support and financial management services, monetary assistance with higher education or professional training and start-up costs of new accommodation and self-employment, coordinated through a Resource Centre managed by care leavers themselves.

11. Introduce a monitoring system to oversee the correct execution and standardization of procedures related to the process of leaving care/transition and reintegration of youth across all child care institutions in Sri Lanka, as well as for monitoring the delivery of aftercare services. Appoint a designated person or an entity to ensure accountability.
12. Introduce Exit Surveys as a procedure for care leavers upon departure, to review their feedback on the quality of care they have received and their recommendations for improving these services; conduct a national research on the state of care leavers for identifying issues, systemic changes and support services; and maintain a national database and tracking system for youth aging out of care annually, with disaggregated information.

REFERENCES AND SUGGESTED READINGS

1. Government of India (2016). *Rehabilitation of Children in Conflict with the Law: Possibilities and Opportunities*.
2. National Child Protection Authority (2013). *Guidelines and Standards for Childcare Institutions in Sri Lanka (draft)*. Government of Sri Lanka.
3. National Department of Probation and Childcare Services (2019). *National Alternative Care Policy*. Government of Sri Lanka.
4. Rocella, C. (2007). *Out of Sight, Out of Mind: A Report on Voluntary Residential Institutions for Children in Sri Lanka: Statistical Analysis*. UNICEF, Colombo.
5. Scottish care leavers Covenant Alliance (2014). *Scottish care leavers Covenant: Supporting Corporate Parents to Improve the Lives of Care Leavers*.
6. SOS Children's Villages International (2009). *Preparation for Independent Living: Briefing Paper*. Innsbruck.
7. SOS Children's Villages International (2012). *When Care Ends: Lessons from Peer Research*. Innsbruck.
8. SOS Children's Villages Sri Lanka (2010). *Tracking Footprints: Sri Lankan Report 2010*. Colombo.
9. SOS Children's Villages Sri Lanka (2016). *Scoping Study and Strategy for Youth Empowerment*. Colombo.
10. Udayan Care (2016). *Improving Standards of Care for Alternative Child and Youth Care: Systems, Policies and Practices. A Report*. India.
11. United Nations (2010). *UN Guidelines for the Alternative Care of Children*.

ACKNOWLEDGEMENTS

We thank the following partners of SOS Children's Villages Sri Lanka for their contribution towards the development of this policy brief:

1. Children's Emergency Relief International (CERI)
2. Emerge Lanka Foundation
3. Voice for the Voiceless Foundation
4. Dr. Pamela Peiris – Senior Researcher/Child Rights Practitioner
5. Randima Attigalle – Senior Journalist/Attorney at Law
6. Akash Moses – Care Leaver
7. Iresha Dilhani – Care Leaver

CONTACT US

For information about SOS Children's Villages Sri Lanka

Divakar Ratnadurai – National Director

Tel: +94 11 270 3615

Mobile: +94 777 689 631

email: divakar.ratnadurai@soscvsrilanka.org

Kirithi Hettiarachchi – Deputy National Director

Tel: + 94 11 2 703 890

Mobile: +94 777 689 636

e-mail: Kirithi.hettiarachchi@soscvsrilanka.org

For information about programmes

Dhananjaya Perera – Director-Programmes

Tel: +94 11 2 602 470

Mobile: +94 773 926 804

e-mail: dhananjaya.perera@soscvsrilanka.org

For information about youth programmes

Kapila Gunawardana – Director-National Youth Care

Tel: +94 11 4 013 933

Mobile: +94 777 689 630

e-mail: kapila.gunawardhana@soscvsrilanka.org

Postal Address:

SOS Children's Villages Sri Lanka

P.O.Box 5,

Kesbewa, Piliyandala,

SRI LANKA

Web (Sri Lanka): <http://www.soschildrensvillages.lk/>

Advocacy Web Page: <http://www.soschildrensvillages.lk/what-we-do/advocacy>

Blog: <http://www.soschildrensvillages.lk/blog>

Facebook: <https://www.facebook.com/soscvsrilanka>

YouTube: <https://www.youtube.com/user/SOSVillagesLanka>