

# A de-institutionalisation process

## Children born out of wedlock in Tunisia

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### Institutional and legal background

Tunisia has devoted a good deal of time and effort to improving the legal status and wellbeing of children born out of wedlock. Since its independence in 1956, Tunisia has promulgated different laws to address the issues surrounding out-of-wedlock children, which include adoption, maternal identity, mothers' parental authority and identification of fathers through DNA testing. These laws have legitimised out-of-wedlock children as citizens under the protection of the State. However, in a country where having a child out of wedlock is not culturally accepted, the spirit in which these laws are applied might not always serve the best interests of the child.

The official number of children born out of wedlock in Tunisia is around 1000 per year (although the figure may be doubled in reality). Lengthy paternity recognition procedures, particularly after adoption of Law 75-1998<sup>1</sup> (further modified in 2003), have led to an increase in the number of children institutionalised on a temporary basis.

The National Institute for Child Protection (NICP), created in 1973 under the Ministry of Social Affairs, is the only large institution housing children aged less than 6 years. It has responsibility for monitoring children in other smaller institutions, such as life units<sup>2</sup>, as well as children placed in foster families. Around 400 children are housed in NICP every year. Of these, around 70 are found abandoned in the street and are eligible for immediate adoption. The remaining children (whose mothers can be identified) must wait for their status to be determined (including paternal identification) before the final decision can be made by one or both parents to take back the child or to relinquish him/her for adoption.

In 2004, of the children housed in NICP and life units, 220 were placed in foster families, 68 reintegrated in their birth families, 248 were adopted<sup>3</sup> and 28 placed in *kefala*<sup>4</sup>. A child spends an average of 290 days in NICP and/or 170 days in a foster family before he/she can be formally adopted. For disabled children, long-term family placement (for several years) is the goal. Around 110 disabled children are currently placed in 95 foster families, with 85 remaining in NICP. In addition, it is estimated that around 50 babies per year are kept in hospitals after delivery (with a limited legal term of three months) waiting to be placed in an institution or a family.

A few hundred children each year<sup>5</sup> go through direct adoption with a judicial decision but without passing through the official channels of NICP, which normally supervises and selects adoptive families.

### A political decision

In 2002 and 2003, several governmental cabinet meetings were dedicated to improving conditions for children without primary caregivers. The main focus of the meetings was on strategies promoting family placement as an alternative to institutionalisation. The decisions taken by the Cabinet represent a significant step towards the objective of granting every child a family environment. Decisions were taken to reduce the time involved in establishing a child's administrative status and therefore the time he/she spends in an institution. It was also decided to promote adoption or family placement instead of institutionalisation, and to increase the level of foster care reimbursement by more than 50%. In addition, single mothers would be encouraged to keep their babies through offering support via civic society organisations (e.g., financial aid, vocational

training). A new law was adopted in July 2003 to further reduce discrimination towards children born out of wedlock. This law allows provision of a full identity in all official documents (including a fictitious family name) to children of unknown parents who are not adopted.

### Towards de-institutionalisation: A reality?

At any given time, between 220 and 250 children are housed at NICP and cared for by 107 nurses. Routine activities such as diaper changes, bottle feeding and preparing meals do not allow time for 'motherly' care of the baby. Although NICP has improved conditions for young children in recent years, their emotional and psychosocial needs cannot be met in an institutional environment. This is particularly true if they stay longer than six months, when the risk of physical or psychological regression is high. Yet in 2004, 54.4% of children in NICP stayed there for more than six months and 20% stayed over one year. It should also be noted that 76% of children in NICP are more than 6 months old and, of these, 40% are more than 1 year old.

There is obviously a need to find alternative childcare solutions for these children. At the prevention level, more support should be given to single mothers when they contact the health services during their pregnancy or when they deliver. The procedures for the child's full identity quest should be further accelerated in order to reduce the length of stay in the institution and allow the child to be adopted more quickly. More efforts should be devoted to working with the child's parents to help them decide whether to keep the baby or give him/her up for adoption or *kefala*. To meet these objectives, there is a need for better coordination between different actors from different line ministries and civic society organisations.

The child remains a holistic entity who needs harmonious development within a family. The most appropriate alternative to institutionalisation, and one that could provide immediate care while a child is awaiting a more permanent solution, is foster care. Families willing to offer affection to the foster child and who can stimulate his/her physical and emotional development are very much in need.

It is important to develop a pool of foster families whose motivation goes beyond the remuneration provided by the state. The sensitisation and advocacy required to do this remains a challenge for the NICP staff. Each foster family needs the right balance between motivation and remuneration. Families currently receive around USD 83 per child per month, plus in-kind donations. In comparison, the minimum monthly wage is USD 167.

Establishing selection criteria for foster families, preparing them to host the child, and the monitoring, supervision and support to the foster child and family constitute substantial and demanding tasks for NICP. NICP psychologists, educators and social workers are trained to help them work effectively with foster families and children. However, they often struggle to place children with disabilities or chronic diseases. To avoid the psychological damage of institutionalisation, the only solution for these children seems to be long-term placement in foster families.

Because of the numbers involved, NICP has limited capacity to supervise foster placements. Furthermore, its outreach capacity is exclusively within the city of Tunis. There is an urgent need to decentralise family placement and reach out to more foster families. More institutions or associations should be identified to arrange family placement under the overall supervision of NICP. In addition, civic society needs become more involved to enhance community commitment and response. This involvement should be secured through partnerships at local level between authorities, civic society and foster families.

### The reintegration of the child in its original family

Recent developments, including political decisions, the law of 2003 and the ongoing debate concerning children born out of wedlock, have broached taboos and led to better acceptance of single motherhood. There is still much to do, but new initiatives, such as residences or day-care centres for single mothers (e.g., the Amal Project in Tunis and Voix de l'enfant in Nabeul) are now providing psychological, legal and social support.

Life units set up in different regions and decentralisation of family placement activities will



Photo: COURTESY NIGP

The Tunisian government has taken decisions to reduce the time a child spends in an institution.

also improve the situation for a child's reintegration in his/her original family, since they will make it easier for mothers to visit their babies and maintain emotional ties.

Social actors will need to reinforce their mediation work with the parents of single mothers and with the fathers for a possible reconciliation. Experience has demonstrated the positive impact of the reintegration of the mother and child within the extended family.

#### Conclusion

De-institutionalisation is a huge and complex issue; it not only involves children born out of wedlock but also children who are abused or neglected and children in trouble with the law. To face this myriad of challenges mechanisms and competencies for working more closely with the original, foster and adoptive families are needed. Over the past four years, more than 1000 social workers have been trained and all main actors are

now convinced that the child is far better off in a family environment than in an institution. The de-institutionalisation process within NIGP pertaining to children born out of wedlock needs targeted and time-framed objectives. As such it could become a pilot project, and the experiences gained could greatly enhance de-institutionalisation efforts elsewhere.

#### Notes

- 1 This allows a patronymic name to be given to abandoned children or those of single mothers, gives the child the right to an identity and permits identification of the father through DNA testing.
- 2 Six life units have been created around the country. Each houses around 12 children at any given time (40 children throughout the year).
- 3 Tunisia is the first and only Arab Muslim country to have legalised adoption (in 1958).
- 4 *Kefala* (or Islamic adoption) entails tutoring of the child by a given family until the age of 18 without any rights on the adopting family's name and inheritance.
- 5 No exact figures are available.

## Further reading

### Websites

#### General Day of Discussion

UN Committee on the Rights of the Child, 16 September 2005. Information about the session and links to documents submitted for the General Day of Discussion can be found at

[www.crin.org/violence/search/closeup.asp?infoID=6220](http://www.crin.org/violence/search/closeup.asp?infoID=6220)

#### International Foster Care Organisation (IFCO)

IFCO is an international network dedicated to the promotion and support of family foster care all over the world. IFCO promotes family-based solutions for out-of-home children based on the CRC by enabling the exchange of information among persons and organisations of different nations; promoting foster care as an important type of family-based care; consultation; networking; publications; assistance; organising international conferences and training seminars.

[www.ifco.info](http://www.ifco.info)

#### International Social Service (ISS)

ISS, an international NGO dedicated to helping individuals and families with personal or social problems resulting from migration and international movement, has established an International Reference Centre for the Rights of Children Deprived of their Family – ISS/IRC. This programme seeks to secure better respect for the best interests and rights of children deprived of their family or at risk of being so, and for children needing adoption or adopted already.

[www.iss-ssi.org](http://www.iss-ssi.org)

#### The international child and youth care network

This network supports the child and youth care work field worldwide. It is one of many mechanisms that encourages and welcomes child participation in an area that directly affects their lives.

[www.cyc-net.org](http://www.cyc-net.org)

#### EUROCHIPS

[www.eurochips.org](http://www.eurochips.org)

### Publications

#### Improving protection for children without parental care. Kinship care: An issue for international standards

International Social Service & UNICEF, August 2004

This paper is one of a series that deal in greater depth with selected complex issues broached in the Working Paper prepared by International Social Service and UNICEF on "Improving protection for children in out-of-home care: a call for international standards". It focuses on problems that would need to be taken into account when devising international standards regarding the kinship care of children.

[www.unicef.org/videoaudio/PDFs/kinship\\_note.pdf](http://www.unicef.org/videoaudio/PDFs/kinship_note.pdf)

#### Facing the crisis: Supporting children through positive care options

David Tolfree, Save the Children UK, 2005

Due to the impact of HIV/AIDS, poverty, conflict, natural disasters, exploitation, abuse and family breakdown, an increasing number of children are at risk of separation from their families or need