

## TERMS OF REFERENCE

### **International Consultancy to conduct the assessment of the situation of Kosovo's Alternative Care System for children without parental care**

**Duty Station:** Prishtinë/ Priština (with few field visits in other municipalities), Kosovo. Analysis and written work can be conducted off-site.

#### **1. Background**

Political change and instability, economic and social distress related to the post-conflict situation and lack of adequate social safety nets, have contributed to an increase in child abandonment in Kosovo. More than 600 infants have been abandoned in Kosovo since 1999. It is assumed that the actual figure is higher, around 700, as the official statistics can only account for cases abandoned in hospital. Tragically, a number of new born babies have also been found dead on fields or rubbish dumps, but clearly only a section of these cases have been discovered. Most of them were born to young unmarried mothers. The most frequent explanations offered for the abandonment of a baby were poor material conditions, lack of adequate shelter, or homelessness and unemployment. Conflicts with traditional norms and attitudes and a consequent lack of support from family and community were also significant.

As a conventional model of intervention a 'transit baby house' run by SOS Kinderdorf was set up in the year 2000 for infants abandoned in the hospital, attempting to move the children to adoption, foster care or reintegrate them back to birth families. As for any institutions, it was however a severe challenge to manage gate-keeping, and the service was blocked, as the number of families interested to adopt babies after the conflict in Kosovo was very low and this led to children staying in hospitals that were ill-equipped to provide even adequate care.

To tackle the above mentioned issues UNICEF and The Ministry of Labour and Social Welfare (MLSW) in partnership with implementing partner has begun implementing a Short Term Professional Foster Care Project (STPFC) in May 2001. The project focused exclusively on under- two deprived of parental care, as the number of abandoned infants in state hospitals accumulated alarmingly. 50 children (aged between one-month and two-years) have been identified as in need of urgent placement in order to meet their rights as enshrined in the UN Convention on the Rights of the Child. Probably the most significant factor about the Kosovo foster care programme is that the government, through centres for social work, established in 38 municipalities, has developed foster care and established a system for placement of children with durable family placements. The fact that there was a foster care legislation already in place enabled the Ministry of Labour and Social Welfare to quickly develop policies and procedures to support foster care services. From May 2001 and until March 2014, the system has placed around 350 children in foster care and established 40 foster care families across Kosovo. The first placement took place in September 2001. *Foster care* is regulated by the Family Law No.

2004/32, and the Law on Social and Family Services<sup>1</sup> No.02/L-32 and the Law on Social and Family Services amended No. 2011/04-L-081. At present there are around 40 foster families in Kosovo that cares for around 80 foster children. Those fostered children are mainly abandoned babies, and a small number of them are children being neglected. 150 social workers across Kosovo have been trained on foster care throughout the last decade by international experts engaged through implementing partners of Ministry of Labour and Social Welfare. The capacity building of social workers has resulted in increasing the number of families interested in fostering and more children placed with foster families. The community presentations, live radio and TV programs, meetings with women and youth NGOs, awareness raising campaigns organised by centres for social work in order to explain the concept and importance of foster care have had a big impact on increasing the public awareness and interest about foster care.

While some evident progress has been made in foster care for abandoned babies, the foster care for children being sexually abused or low risk victims of exploitation/trafficking, has failed to be implemented in the practice. The persistent structural weaknesses in the economy combined with the limitation of the existing provision of welfare support, social care, education and health care result in children facing multiple forms of discrimination.

Kosovo can be rightly proud of the tradition of caring for children within the bosom of loving families. Almost alone amongst the nations of the Balkans, Kosovo does not rely upon institutions to care for unsupported children. Children who have lost the support of their own families are cared for with relatives and non-relatives alike. However, during the past difficulties in Kosovo, family life is being re-shaped by the rigours of post- conflict and transitional demands and as a result major changes happened in fields of health, social services, education, family environment and civil rights and freedom. The responsible authorities have not been able to meet entitlements in health, social protection and education and the increasing numbers of children are now feeling the full force of the late transition into a market economy.

The availability of other alternatives to non-residential care is almost non-existent for low risk victims of exploitation/trafficking not able to be reintegrated in their families/communities. Opportunities such as foster families for children being victims of exploitation/trafficking are not sufficiently looked at by local authorities. Development of foster care would have decreased in minimum the number of children remaining in transitory homes. Long term staying of the child in transitory homes is another violation of the child rights and the right to grow up in a family is violated. Sometimes it happens that children stay in transitory homes longer than it's allowed, since solution is not found for them.

### **Some other facts and figures - current situation of foster care in Kosovo**

- There are currently 80 to 100 children placed in foster care. Among these are approximately 40-50 abandoned babies and the remaining are children who have experienced abuse, neglect, maltreatment, etc. There are in total 44 foster care families in Kosovo mostly in

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<sup>1</sup> Law on Social and Family Services, Article 11 Alternative Forms for Child Protection

rural areas. 37 of them are active and are caring for children, while seven other families are waiting for children to be placed with them.

- Most of the infants abandoned at birth are born to unmarried girls and women. The stigma is too strong for these mothers to keep their babies. Besides, there are no mechanisms that could encourage and support these single mothers to keep their babies, such as shelters, financial aid, semi-independent living programmes, etc.
- There are two residential institutions, one run by the INGO SOS Children's Village, and another one run by the local NGO "Hopes and Homes for Children". In addition, there is also one residential home run by Caritas that offers shelter to children without parental care, but which is not recognised as such by the MLSW. SOS runs two children's houses, each accommodating 12-14 abandoned babies who are placed directly from the hospital.
- In practice, placement of children in residential houses is more favored by social workers as this is much easier and quicker than the process of new foster family recruitment. A child can be placed within the residential children's houses in 1-2 days, and documentation can be completed later. Monitoring of children placed in institutions by the Center for Social Work is almost not required. According to some professionals who work with this category of children, institutions have a lot of advantages in relation to family placement as children have better living conditions, food, hygiene and a team of professionals that take care of children. Unfortunately, even now the advantage is given to existential needs in relation to all other needs that children have.
- There is only one foster care family in Pristina, the capital of Kosovo. Foster care does not seem to be encouraged by CSW in Pristina. The fact that there is SOS Children's Village placed in Pristina that can accommodate children without parental care could be an explanation to the current lack of foster care in the capital city. Apparently, social workers from the Centre for Social Work in Pristina systematically place these children to SOS. This placement option does not require any payment of foster care grant by the Government.
- Government pays a monthly foster care grant of 150 euro per month to families for one child in foster care and 250 euro for a child with disabilities in foster care. This function is currently managed from the central level but expected to be transferred to municipal level in 2015. These compensation funds are supposed to provide all costs of a placement and upbringing of a child, including food, clothing, and education costs. These compensations are not regular and there were cases when MLSW has not paid out these funds to families for several months. The law does not stipulate compensation for the work of foster parents, as is the case in many developed countries.
- Social workers don't seem to be concerned with the placement of children from Roma, Egiptian and Ashkali communities. There are only 2 or 3 such children in foster care. There is no foster care family from the ethnic minorities.
- There are 7 cases of children with disabilities placed in foster care out of a total of 80 children. If these children are not adopted before the age of 18 they are eventually transferred to the institute of Shtime for adults.

Till date no in-depth assessment of the alternative care system in Kosovo was conducted by any organisation or ministry itself, thus in order to ensure the improvement of the system

through proper intervention it is crucial to understand the strengths and weaknesses within it. In this regards an overall and comprehensive assessment of the Kosovo's Alternative Care system is more than needed to assess the current situation of the child protection system and the situation of children without parental care in Kosovo placed in out of home placements and will draft the Action Plan to strengthen the Foster Care service for all categories of children in need of family durable placements.

The assessment will contribute to Outcome 1 of UNICEF Kosovo's 2011-2015 Programme:

*By end 2015, the Government of Kosovo advances a framework for children's rights that secures tangible improvements in policy making, budgeting and the accountability of decision makers on issues impacting the well-being of children*

*Output 2: By end 2015, key institutions have increased capacity to monitor, evaluate, generate knowledge and report on the situation of children, youth and women to inform advocacy, child-focused policy making and planning, with emphasis on the most vulnerable groups*

## **2. Purpose and objectives of assignment**

In line with the recommendations from the mapping and assessment of the Kosovo's Child Protection System report as well as UNICEF observations, the assignment will assess the situation of Kosovo's Alternative Care System.

Mapping and Assessment Report of the Child Protection System in Kosovo, published in 2012 states that there is an insufficient number of alternative care options, including foster care families, and other support mechanisms for referring children in emergency cases. CSWs do place children in foster care, however, it is important to encourage the use of foster care not only for long-term custody cases, but also for emergency cases. Findings indicate that foster care families are underpaid, especially in cases of children with disabilities or special needs, because the law does not differentiate payment to foster care families based on the child's needs. It is therefore necessary to strengthen the supervision role of the guardianship body within the Centre for Social Work, which is mandated to visit and monitor children placed in foster or residential care. Furthermore, the selection of the foster family should take into account the child's religious affiliation and his/her origin or cultural background, which should be in compliance with that of the foster family.

Additionally, based on the findings of the analysis report undertaken by the Coalition of Child Protection NGOs (KOMF)<sup>2</sup> it results that there is a pronounced lack of work in prevention of child abandonment, the inter-institutional cooperation is low, there is a lack of clarity among child protection and judiciary professionals about legislation and procedures, negligence of timeframes and legal deadlines by CSW, overload and a large number of cases, lack of multi-

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<sup>2</sup> KOMF (April 2014), *Take me Home! - Short analysis on the advancement of the protection of abandoned children in Kosovo (0-3 years old)*.

disciplinary training, often professional exhaustion, cases with incomplete required documentation and a small number of foster care families.

Unlike other countries in the region, Kosovo does not have a history of serious abuse as regards an overuse of institutions, but there is an increasing number of children in need of care and a trend towards institutionalization. Despite international NGO efforts to work with the Ministry for Labour and Social Welfare (MLSW) to develop a range of alternatives for children in care, only two alternatives have been developed: adoption and foster care for abandoned babies. The foster care service is still viewed as an “NGO project” and the government has not taken a full ownership due to a lack of technical, human and financial resources. The MLSW hasn’t yet develop a strategy to ensure appropriate family/community based care options for all children in need, including disabled, older, trafficked and vulnerable children. At the root of this problem is the weaknesses of the government of Kosovo to adopt and communicate a clear vision for the care of vulnerable children; to set out policies to realize that vision and to monitor and follow through implementation of those policies at the operational level.

The purpose of the assessment is to strengthen the child protection system in Kosovo ensuring effective alternative care mechanisms are in place to ensure that all children, especially those without parental care are protected from violence, abuse, exploitation and neglect, and to ensure that they are placed in family environment.

Specifically, the assessment should:

- Assess the existing legal and institutional basis related to the family based care services/ foster care services, short term and long term foster care eg; legislation, strategies, policies, administrative instructions, minimal standards of social services etc.
- Assess the current professional and technical capacities of CSWs in regards to performing their mandate in protection of children in need of care and their placement in alternative family based care services/ foster care. e.g. to assess all procedures from recruitment -to approval of foster family; to assess all procedures from identification of a child to be placed in foster care -to his/her placement in foster care.
- Assess all the procedures and practices from the first day of placement in foster care – to the end of placement (*CSWs professional capacities regarding the recruitment of potential foster care families, assessment, training, approval, reassessment, placement of children with foster family, decisions for placement, documents, files, contracts, the length of stay, visits, etc.*).
- Identify what is the level of coordination between the central and local level mechanisms, such as MLSW, CSWs, Municipality Directorate of Health and Social Welfare and how can these be strengthened.
- Identify the MLSW and CSWs plans and strategies in preventing of child abandonment and development of foster care for children with special needs, older children, children at risk of being victims of exploitation, trafficking etc.

- Assess to what extent the foster care families are involved in placement of children in foster care, adoption or their reintegration with biologic families. Their relationships with CSWs, hospital, residential children's houses, biologic families, adoption families.
- Assess policies and admin instructions in place that would guarantee a more effective, efficient and long-term functioning foster care service that would be available and offered for all categories of children in need of care and out of home family placements.
- Assess the policies and practices of hospital and CSWs that keep new born abandoned babies in the hospital for long periods of time, up to 45 days or longer, before the child is moved to residential children's house or foster care.
- Assess the role of National Panel for placement of Children in Foster Care and Adoption, in terms of performing their mandate and functioning.
- Assess the role of MLSW on monitoring the CSWs performance while managing the cases of children without parental care, influencing at CSWs and Basic Courts for solving the status of abandoned children;
- Assess what are the current challenges of CSWs in placing older children and different categories of children in foster care.
- Assess what are the current capacities of existing foster careers to foster older children and other categories of children in foster care e.g. children with special needs, children victims of trafficking, exploration, children from Roma, Ashkali and Egjiptian communities.

### **Methodology**

The methodology will be participatory and will include desk review and analysis, meetings, round tables/workshops, field visits and key informant interviews. Respondents to the assessment will be the representatives of the Ministry of Labour and Social Welfare, Centers for Social Work, Municipal Directorate of Health and Social Welfare, Hospitals, foster care families, foster care children, active NGOs working in the field of foster care, Children's Residential Houses and other relevant institutions, including donors and international partners.

Based on the assessment findings, the consultancy will produce a Report and Action Plan with clear recommendations and detailed actions that will contribute to strengthening of the Alternative Care System in Kosovo. Recommendations should also address the modalities that would guarantee a more effective, efficient and long-term functioning alternative care system. The report will also include examples and best practices of alternative care system from this or other regions.

### **3. Main duties and responsibilities**

The assessment will be conducted under the overall supervision of the Child Protection Officer and in close cooperation with UNICEF's Child Protection team.

The specific assignment tasks include the following during July and October 2015:

<b><u>Date</u></b>	<b><u>Task</u></b>	<b><u>Deliverables</u></b>
3 working days, offsite work	Desk review and analysis including review of the relevant legal framework related to the alternative care system, including regulations and administrative instructions regulating the placement of children in foster care and kinship care as well as adoption procedures and review of good practices around child protection and/or child rights from the region and globally	Report from the desk review analysis.  Methodology and questionnaires for individual and institutional interviews.
10 working days in Kosovo	Conduct focus group discussions and individual interviews with relevant stakeholders, including representatives of MLSW, CSW, children's residential houses, foster care families and children, NGOs etc	Completion of field work as per agreed agenda
5 working days, offsite	Prepare and share the draft of Assessment Report and the Action Plan for review and comments by UNICEF and other relevant stakeholders	Provide the first draft of the Assessment Report and Action Plan to strengthen the alternative care system in general and capacities of the relevant institutions in particular
5 working days in Kosovo	Conduct a workshop to present, validate and finalize the report of the assessment with main recommendations and options in a participatory manner as well as the action plan for strengthening the foster care system in Kosovo	Agenda of the planned participatory workshop.
5 working days, offsite	Finalization of the Assessment report and Action Plan including the inputs/comments of the UNICEF and relevant stakeholders. Report should contain the main findings of the assessment with recommendations and a concise Action Plan with clear timelines of its implementation over a two year period as part of developing a vision	Revise Assessment Report and Action Plan incorporating the inputs from the reviewing process and submit the final Assessment report and Action Plan.

	for strengthening the Alternative Care System.	
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**Main tasks of the International Consultant related to the assignment:**

- Communicate regularly with the UNICEF Child Protection Section in a timely manner.
- Review documents provided by and other relevant stakeholders and follow suggestions and comments made by UNICEF and other relevant stakeholders and based on those modify and update content of the documents.
- Deliver documents and other deliverables on a timely manner as stated above in the action plan.
- Maintain a neutral and professional approach during the review process and during the overall course of the assessment.
- Ensure that lessons learned, problems and good practices are documented throughout the assessment and development of the action plan process and rapidly shared with the UNICEF Child Protection Section.
- Based on the comprehensive assessment findings, provide a comprehensive report with clear recommendations and detailed lines of the actions for further development and strengthening of foster care services for all categories of children in need of care and protection in Kosovo.

**UNICEF's role will be to:**

- Share relevant documentation
- Organize meetings
- Review all submitted documents in a timely manner

**Estimated duration of the contract**

The contract of the assignment should be for minimum of 4 months, preferable 1<sup>st</sup> July to 31<sup>st</sup> October 2015.

**Reporting Line**

The International Consultant will report directly to the Child Protection Head of Section and Deputy Head of Office within UNICEF Kosovo Office.

**4. Qualifications and Competencies of the team members**

Education

- A Master's degree in Social Work, Social Policy, Psychology, Public Administration, or other relevant disciplines.

### Skills and Experience

- At least 5-8 years international experience in conducting assessments in the area of child protection systems approach;
- Professional experience in alternative care systems such as foster care and adoption;
- Excellent facilitation, team-building and interpersonal skills;
- Excellent analytical, oral and written communication skills;
- Proven experience in conducting assignments in complex institutional environments;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability

Knowledge of Kosovo and practical work experience in the country or the region is a strong asset;

Interested persons should submit their **CV/P11 form**, together with a **short description of the methodology or approach proposed for the assignment** as well as **the requested fee**, with the mark "The assessment of the situation of Kosovo Alternative Care System for children without parental care" by **15<sup>th</sup> of June 2015** by email at the following address: [iperjuciselimi@unicef.org](mailto:iperjuciselimi@unicef.org). For any questions or clarifications on the content of the TOR or the selection procedure, please write directly to [aibrahimi@unicef.org](mailto:aibrahimi@unicef.org) or [fdashi@unicef.org](mailto:fdashi@unicef.org) . Reference checks will be part of the selection process.

*Only short listed persons will be contacted. No information will be given over the telephone.*

**UNICEF is committed to workforce diversity. Persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV are encouraged to apply.**