

“Public Law 109-95: Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005”
Meeting Notes, June 29, 2010

Please note: The opinions expressed in WNCAC meetings and reflected in these notes are those of the individual participants and are not endorsed by the WNCAC, which provides an open forum for exchange among those concerned with children affected by armed conflict.

The Washington Network met on June 29, 2010. The focus was Public Law 109-95: the Assistance to Orphans and Other Vulnerable Children in Developing Countries Act of 2005. Both *Gary Newton*, USG Special Advisor for Orphans and Vulnerable Children and *Gillian Huebner-Utterwulghe*, Program Specialist for Orphans and Vulnerable Children, made presentations and participated in a discussion. The goal of PL 109-95 is to improve the coordination, comprehensiveness, and effectiveness of U.S. Government (USG) assistance for highly vulnerable children, or as Mr. Newton said, to make the impact on children of our collective efforts greater than the sum of the individual programs. This includes facilitating information exchange and coordination among more than 20 offices within seven USG agencies (USAID, Peace Corps and the departments of Agriculture, Defense, Health and Human Services, Labor, and State), as well as with key international partners, such as UNICEF. NGOs are represented at PL 109-95 meetings by Global Action for Children, which led the coalition of NGOs that advocated for the passage of this legislation.

Mr. Newton began his current appointment as the U.S. Government Special Advisor for Orphans and Vulnerable Children in July 2008. He is based at USAID headquarters in Washington D.C. Ms. Huebner began in April 2009 as the Program Specialist under PL 109-95. Together with two additional colleagues, they constitute the Secretariat of PL 109-95. Their presentations focused on how PL 109-95 is being implemented, highlighting strengths and accomplishments as well as limitations. They gave particular attention to the role that the PL 109-95 Secretariat played in coordinating the USG response to highly vulnerable children following the January 12th earthquake in Haiti. The following are highlights from their presentations.

PL 109-95 BACKGROUND

1. Public Law 109-95 focuses on *highly vulnerable children*, the *most* vulnerable children, children who are in dire situations and circumstances.
2. The USG provides a couple billion dollars annually to assist such children.

Some of the characteristics of this assistance:

- There is no single, monolithic, vertically-organized, centralized USG program for children be they “orphans and vulnerable children” or “highly vulnerable children”.

- Rather, there are an array of separate programs led and managed by colleagues in over 20 different offices in seven USG agencies – each with its own comparative advantages and special expertise.
 - These offices funded 2,044 projects in 113 countries -- at first count in 2009.
 - Some USG programs focus exclusively on highly vulnerable children (DOL child labor, PEPFAR’s OVC), while others assist such children as part of broader mandates (G/TIP, OFDA, PRM).
 - While all programs are concerned either exclusively -- or in part -- with *highly vulnerable children*, programs typically focus on a single type of vulnerability – e.g. orphans and vulnerable children affected by HIV/AIDS, child laborers, trafficked children, displaced children.
 - Some USG programs focus on direct service delivery, others on capacity building, most do both.
 - Some USG programs focus on helping children in crisis, others focus on preventing children from crises, most do both.
 - The USG fiscal year is, of course, the same across USG programs, but procurement and grant cycles may be different
 - Monitoring and evaluation systems differ across agencies; most are incompatible; there are multiple performance indicators -- 160 at last count.
3. With USG assistance structured this way, there are risks. The risk of programmatic fragmentation, the risk of duplication of effort, the risk of so-called stove-piping (defined as “a metaphorical term which recalls a stovepipe's function as an isolated, vertical conduit”).

PL 109-95 is intended to mitigate these risks.

4. With this assistance structure, there are opportunities.

PL 109-95 is intended to exploit these opportunities and engender interagency collaboration and facilitate collective work on our common ground.

And, USG agencies working on behalf of *highly vulnerable children* share a great deal of common ground:

- literally *common ground* in the sense that USG agencies often work on the same turf -- we work in many of the same countries.

- we are concerned with many of the same children; our target groups overlap; children at risk of being trafficked, or abandoned, or exploited for their labor, or children living in the street, or at risk of HIV infection, are -- as you know -- often the SAME CHILDREN.
- we rely to a large extent on the same work force – the same social workers and child welfare and protection workers.
- we rely to a large extent on the same sector -- the social welfare or child welfare sector – for the success and viability of our programs.
- we sometimes use the same implementing partners and community organizations.
- we face some of the same constraints – be they legal, legislative, policy-related, or capacity limitations.
- and -- we support many of the same interventions – economic strengthening, food and nutrition, education and training, capacity building.

5. Work together on this common ground is more important than ever.

We are helping millions of children. But, millions more are suffering due to poor governance, conflict, disaster, disease, and poverty deepened by the global recession.

With the increasing number of children in need, tight funding, and a multi-USG agency response, it's more important than ever to improve coordination and make the impact on children of our collective effort greater than the sum of its individual parts.

6. Working collegially across agencies comes naturally to most of us. We don't need to be told or ordered to do it. That said PL 109-95 helps bridge agency and program boundaries and link us together more strategically.

7. In fact, there is a great deal of goodwill and commitment to work together and we have made significant progress on interagency coordination.

8. However, improvements in interagency coordination are exceedingly difficult to measure and document. We are working to devise practical and creative methods to monitor and document interagency coordination. We must be able to demonstrate that we have:

- shared knowledge, lessons, expertise and data;
- planned and problem-solved collaboratively;
- wielded our collective leverage to lift common constraints;
- programmed our resources in parallel;

- exploited our comparative advantages;
 - focused on the “whole child” – all children in a community who are vulnerable -- not just some -- not just those who qualify for our particular program.
9. Working together we can truly convert *Whole-of-Government* theory into good practice and make 2 USG programs + 2 USG programs = 5 USG programs in terms of their impact on children.

PRIORITIES

- Current PL 109-95 priorities include:
 - Assisting with in-country coordination
 - Fill key data gaps
 - Advocate for child welfare system strengthening
 - Advocate for economic strengthening of poor households
 - Develop the art/science of inter-agency coordination

HAITI

Shortly after the earthquake, an interagency task force was set up to focus on highly vulnerable children as part of the initial response to the emergency.

Vulnerable children were on the front pages, getting a lot of attention from the public and politicians. It was important to help inform the public about issues affecting children in Haiti and the international good practice guidance that exists.

Disseminating documents, such as the *Interagency Guiding Principles on Unaccompanied and Separated Children*, was an important way to help USG agencies involved to be on the same page as well as providing public information.

The high profile of children’s issues in media coverage focused attention on child protection issues and created a need and opportunity to inform the public about such issues, including the need to trace family members rather than to immediately send children out of the country for adoption and the fact that many children in “orphanages” had parents and were there due to poverty.

A culture of interagency coordination existed before the earthquake – knew who partners were, what kind of money they had and what their projects were so it was possible to re-orient existing projects to address emergency needs. There are currently 60-70 projects being funded by USG. The USG response has been based on the following priority actions:

- Meet the basic emergency needs of children and families for food, water, sanitation, health and shelter. Meeting basic needs helps families remain intact and assists parents to provide and care for their children.

- Ensure the rapid identification and registration of all unaccompanied and separated children and implement a tracing program to reunite children with their families. The USG is committed to working in accordance with the Interagency Guidelines on Unaccompanied and Separated Children.
 - Expand child-friendly spaces within informal settlements.
 - Rapidly assess residential care centers in the earthquake affected zone, with the aim of addressing subsistence needs.
 - Address the needs of children at risk of trafficking and domestic servitude.
- PL 109-95 is currently supporting work on longer term goals, such as building the capacity of government of Haiti and better alternatives for children living in residential care

DISCUSSION

There were a range of questions and points raised by the participants

(Question) How often are all 7 agencies and departments meeting and talking?

- Every couple of months 20-40 people from across the USG get together and coordinate, share information and discuss substantive issues of mutual concern.
- An inter-agency conference on child welfare and protection, the first-ever under PL 109-95, was convened May 6-7, 2010 with about 80 participants from across the USG, and it produced recommendations for improving coordination and the USG response to HVC..

How does PL 109-95 fit into the larger world of coordination with UN bodies, NGOs, and other governments?

- At PL 109-95 meetings there are seats for UNICEF and Global Action for Children. The PL 109-95 Secretariat works closely with UNICEF. One of the priorities this year is working with improving coordination of USG agencies at country level.

What about schools, temporary education, etc?

- A number of USG agencies support education. PL 109-95 seeks to draw attention to programs targeting the most highly vulnerable children and their child protection issues.

What type of coordination are you having for children who have arrived in US and are being placed for adoption?

- This is the responsibility of Health and Human Services, specifically the Administration on Children and Families, Office of Refugee Resettlement, which

is part of our interagency working group. PL 109-95 focuses on children in developing countries.

What is going on with the Dominican Republic to monitor the number of children who might be coming?

- The State Department and USAID anti-trafficking programs support monitoring at the borders of Haiti and the Dominican Republic.
- Efforts are underway to train and build capacity within the Child Protection Brigade of the Haitian National Police, including increasing coverage at border areas.
- A number of NGOs are working along the border areas.
- Trafficking involves exploitation and does not necessarily imply the physical movement of children. For example, *restaveks* are children in Haiti who do unpaid domestic labor. The *restavek* issue is a trafficking issue.

How did you manage when so many people were lost?

- 17% of the Haitian civil service was killed and UNICEF was decimated.
- There was a huge influx of humanitarian workers and organizations.
- Some humanitarian workers and caregivers who survived the earthquake were themselves in need of care and support.
- There weren't even places to stay, people had to camp out in tents.
- It was difficult to accommodate all the people who wanted to help.
- Important assistance provided from Haitian diaspora.

Did you partner with NGOs to deploy child welfare specialists?

- Our focus was strengthening the USG response, and we were not involved with seconding to NGOs, which is outside of PL 109-95 responsibilities. We seconded USG child protection experts to the US Mission in Haiti and to UNICEF.

It seems that there is more public response to natural disasters than to armed conflict. (e.g. Haiti compared with Congo). What accounts for difference in response? How are things progressing in terms of capacity to mobilize in internal, civil strife situations where children are not getting what they need and deserve?

- Whether affected by natural disaster, conflict or poverty, there are millions of children in need of assistance. Most children in need of assistance have one thing in common – extreme poverty. Indeed, the world has not mobilized enough to help such children. The crisis in Haiti shed light on the fault lines of child protection. This heightened sensitivity creates an opportunity to affect policy. We need to focus on how to make this sustainable so there's a home for "child protection" within the USG. When response plans are made, child welfare and protection may fall off the map. Explaining what resources are needed is hard because children are affected in complicated ways – it's not like education which

is more clearly understood and typically receives funding. We have a great need and opportunity to bulk up our prevention and response capacity.

John Williamson (WNCAC facilitator): The degree of attention seems more related to the intensity of media coverage. In Haiti, children were the face of the disaster (influenced in part by the interest in international adoption as an apparent solution).

Resources and Program Sharing

- The PL 109-95 website is still evolving, but information about it, the three country reports, and global data on vulnerable children are available at this site; <http://www.measuredhs.com/PL10995/web/index.cfm>
- Washington Network on Children and Armed Conflict: <http://www.wncac.org/>