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EDITORIAL

3rd Special Commission: progress in the midst of missed opportunities 

The Hague Conference on Private International Law hosted the 3rd Special Commission last June resulting in clear advances, yet much work remains for subsequent Commission meetings.

Without a doubt, there were great expectations for the record gathering of over 200 high level adoption experts from about 85 countries and 15 international non government organisations at the 3rd Special Commission (see Review 5/2010). To some extent these expectations were fulfilled, but

in other areas, they were left somewhat wanting.

Risks and abuses

A day dedicated to the abduction, sale and traffic of children for adoption provided an unprecedented opportunity to consider the 'grey zones' of intercountry adoptions. It was refreshing to see the openness with

which this sensitive topic was broached and the common resolve to tackle the problem. The conclusions and recommendations drawing the attention of States to the essential features of a well regulated system provide a very useful lobbying tool calling for necessary reforms. The establishment of an informal working group to examine practical ways of combating abuses is also a step in the right direction, even if the question of adequate resources to establish and ensure the viability of such a working group remains open.

Guide to Good Practice for Accredited Bodies

With the help of 46 States who responded to its questionnaire and a small working group of experts, the Permanent Bureau managed to prepare a comprehensive draft Guide to Good Practice on accredited bodies. ISS/IRC believes that the Guide will prove to be an excellent resource for practitioners, with many advances relating, for example, to the storage of data and the separation of costs from contributions and donations. It is however unfortunate that, discussions on many pertinent issues relating to accredited bodies – such as use of the internet and provision of development aid – were confined to the review of the Guide and thus found little reflection in the final conclusions and recommendations.

Information sharing opportunity

The 3rd Special Commission provided a unique occasion for countries to share updates on their intercountry adoption laws, policies and good practices. There was an abundance of information shared, which was in general new and helpful but occasionally repetitive, covering well trodden ground. This was no doubt partly due to the wide-ranging agenda. While account must clearly be taken of agreed principles in setting the framework for discussions, it could have been of further use to focus more especially on the major difficult issues that have emerged since the last Commission. Thus, extra time might have been devoted to questions such as habitual residence in the light of increased mobility, and recognition of adoptions where THC-93 has not been complied with.

Conclusions and recommendations

Whilst there is room for improvement, ISS/IRC is pleased to see some major advances in the conclusions and recommendations (hereafter conclusions) such as the need to establish, in all cases, a clear separation of intercountry adoption from contributions, donations and development aid, as well as an unequivocal declaration that private and independent adoptions are not compatible with the Convention and should be prohibited. The need for a study on the relationship between international surrogacy and intercountry adoption was also usefully recognised.

Acknowledging that the Permanent Bureau has its own diplomatic rules that must be observed when managing such an important gathering, the way in which the draft conclusions were prepared – by a small drafting group on the final evening (and into the early hours...) of the meeting – had however some regrettable consequences.

First, it meant that substantive discussion on the final morning, based on working documents that had not been previously reviewed, was not reflected in the draft.

Second, the results of the different discussions figured unevenly in the draft conclusions. For example, general agreement on the need to “reverse the flow of files”, to avoid receiving countries essentially soliciting adoptable children from countries of origin, found no mention. Similarly, although there had been support for the idea that applying the subsidiarity rule would require a minimum timeframe, and therefore might imply *inter alia* a minimum age for children to be considered as adoptable abroad, it did not figure in the draft conclusions. Even more surprisingly, perhaps, the many very serious concerns evoked by States and others regarding responses in emergency situations, often with specific reference to Haiti (and including by the Haiti delegation itself), were virtually disregarded in the official outcome.

Third, and particularly importantly, the draft conclusions were consequently distributed just two hours before the meeting was scheduled to end. This left

precious little time for experts to review the text to ensure that all the issues were appropriately covered. As a result, while some amendments to the wording of individual conclusions were proposed orally, it proved impossible to suggest the inclusion of additional points at that late stage.

In the future, it may be more opportune to address all relevant conclusions and recommendations at the end of each day (or first thing the following morning) of the Commission. By doing so, all issues could be exhaustively addressed and persons only attending the Commission for part of the time could ensure that their views are considered. Moreover, this alternative would mean that the working group at the end of the Commission would only have the

task to ensure that the conclusions are coherent and not repetitive.

The Hague Conference is to be congratulated for its enormous efforts in hosting the 3rd Special Commission dealing with the complex issues linked to intercountry adoptions and we hope that States will take on board the conclusions, especially with regard to supporting the technical assistance programme of the Permanent Bureau. ISS/IRC looks forward to continued collaboration with The Hague Conference and others, working towards better protections for all involved in intercountry adoption and dealing with unaddressed issues.

*ISS/IRC team
July 2010*

ACTORS IN MATTERS OF ADOPTION

Source: Permanent Bureau of the Hague Conference: http://hcch.e-vision.nl/index_en.php?act=conventions.authorities&cid=69.

- **France:** This country has updated its list of accredited bodies
- **Greece, Peru and Spain:** These countries have updated the contact details of its central authorities
- **Moldova:** This country has designated a competent authority

BRIEF

Geneva: Updates on General Comments of the UN Committee on the Rights of the Child

The UN Committee has published its latest General Comment 11 on Indigenous children and their rights under the Convention, an important advance for protecting this often vulnerable group. Paragraphs 46 to 48 are dedicated specifically to the issue of the family environment and alternative care, noting the importance of involving indigenous families and communities in developing alternative care solutions for their children as well as the need to prevent the loss of their cultural identity. General Comment 11 is a valuable lobbying tool for protecting indigenous children who are often overrepresented among children separated from their family environment.

The UN Committee is also currently working on General Comments on article 3: the best interest of the child and article 19: Protection from abuse and neglect. Organisations and individuals who have expertise on either of the topics and that are interested in contributing comments on the draft are invited to contact the NGO Group for the CRC for this purpose. The NGO Group is also in the process of developing guidelines for children participating at the sessions held by the UN Committee when investigating State Party Reports and these should be available on their website in the near future. These Guidelines will help give full meaning to the rights of the child to participate embedded in the UNCRC.

Source: General Comment 11

http://www2.ohchr.org/english/bodies/crc/docs/GC.11_indigenous_New.pdf and NGO Group for the CRC
<http://www.childrightsnet.org/>

Kazakhstan: Temporary suspension of adoptions

Following the ratification of THC-93, Kazakhstan is in the process of revising its national legislation which includes its Marriage and Family Law, in order to include and enforce the principles of the Convention. In the meantime and until further notice, the country is not accepting any new adoption dossiers. Kazakhstan will continue to process pipeline cases.

Sources : Département d'Etat américain (<http://adoption.state.gov/news/kazakhstan.html>), Département pour les enfants, les écoles et les familles de Grande-Bretagne (<http://www.dcsf.gov.uk/intercountryadoption/#a230610>).

Viet Nam: Time needed before new adoption law and decree pave the way for better protections

Viet Nam passed its new Child Adoption Law in June 2010. ISS worked closely with the Ministry of Justice, Adoption Department (MOJ) drafting this law, with the latter containing many improvements. The law will become effective 1 January 2011. According to the Vietnamese legal system, a Decree must also be developed to provide concrete and detailed guidelines on how the Adoption Law should be implemented. The decree will provide details about procedures, processes and criteria related to domestic and intercountry adoption including, *inter alia*, framework for consent, matching and costs. Currently, the MOJ is working on a draft decree which may be implemented some time next year. ISS will continue to provide assistance to the MOJ regarding this decree. Given that the Adoption Law and the implementation decree are not yet in place, ISS believes that it may be premature to undertake intercountry adoptions in Viet Nam. Whilst there are improvements in some practices in Viet Nam, to date the old laws are still in place and we believe they do not provide adequate safeguards in conformity with international standards. It is important to give Viet Nam some time to put structures in place to provide a better respect of children's rights.

Thanks to the kind contribution of the Intercountry Adoption Services, which is part of Human Resources and Skills Development Canada, the ISS report on Viet Nam (published in November 2009) is now also available in French.

Source: <http://www.iss-ssi.org/2009/index.php?id=49>

PRACTICE

Implementation of the child's right to be consulted: welcoming the child and taking his opinion into consideration (part 3)

Once the conditions have been met that allow the child to express himself freely (see Review 5/2010), the ISS/IRC proposes to identify the elements to put in place to help the child formulate his consent or refusal to adoption, on the basis of the document presented during the European Conference last December.

To conclude this brief series of articles on the rights of the child to be consulted and their implementation, we analyse here how to enable the child to give his consent to adoption being fully aware of the consequences for his future family life. Whether the child's opinion be followed or not, he must also be capable of clearly

understanding how his opinion has been taken into consideration and included in the decision making process.

The child's formulation of his consent (or refusal) to adoption

So that the child may express his consent or refusal in a fully informed manner, it is important first of all to explain

to him what adoption is and the impact it will have on his future life. In case of full adoption particularly, the child must be informed of the permanent severance, legally speaking, at least, in his relationships with his family of origin. Let us recall at this point that adoption is still a psychological fiction, all the more so if the child is already grown up. During this explanatory phase the professionals can rely on various publications adapted to the child's age and of which the references are available in the Documentation Centre of the ISS/IRC (1).

To gather the consent (or refusal) of the child to his adoption without influencing him requires an objective presentation of all possible options available to him. What is going to happen if he refuses to be adopted? And what if he agrees? It is appropriate in this case that the child can ask all the questions he wishes about his new parents and that he can obtain a maximum amount of information about his new family (Where do they live? What do they look like? Do they already have children?) The ISS/IRC training fact sheet on preparing children for adoption provides several interesting leads on this subject (2).

Whatever the child's opinion, the following stage consists of checking if the adoption adequately reflects his real needs. In fact, in certain cases, the child may refuse an adoption because of painful memories that he might have about the separation from his biological parents. He can also experience anger with regard to his abandonment or even be afraid of living with people that he does not know. To the extent possible, recourse to mediation or social services may be necessary to reveal, with the child, the real needs hidden by his emotions.

Taking into account the child's opinion in the process of decision-making

From the beginning of the conversation, it is appropriate to be clear with the child on the fact that his opinion is important and is an integral part of the decision-making process. It is a question of the child's right to be consulted being recognised and that he has the opportunity to exercise this right. However no guarantee can be given to child

that the final decision will follow his opinion. In fact, the child must understand that this decision is based on several opinions, including his own, that of the psychologist and of the social worker. It is as a result of looking at all the data available, that the best solution for the well-being of the child will be determined and if appropriate, finally adopted.

In the hypothesis where the child's opinion has not been followed, it is essential to take the time needed to inform him of the decision that has been taken and to explain to him the reasons that persuaded others not to follow his opinion. The Guidelines for determining the best interests of the child of the United Nations High Commission for Refugees provide practical orientations for this situation and gives guidance on how to obtain the child's backing for the decision/project(3). If the time is not taken to explain the situation, there is a high probability that the child could make the project fail. In effect, the fact that the child senses that a decision is being imposed upon him by surprise, without him being able to respond and without any explanation could bring about in him anger and resistance towards his new family. It is a maturing process that takes time. An accompaniment as well as adequate preparation for the needs of each child, depending upon his life story, fears and the state of his grief for the past, is necessary for him to be able to project himself into a new future.

In conclusion, the success of the adoption project is dependent upon taking into consideration the child's opinion, a proof of respect for him as a subject of rights, but also as a complete individual.

For more information, see the ISS/IRC documentation centre, by using keywords "Child opinion." <http://www.iss-ssi.org/library/> as well as UNICEF http://www.unicef.org/adolescents//index_documents.html and [http://www.unicef.org/adolescence/cypguide/files/Child_and_youth_participation_Guide\(1\).pdf](http://www.unicef.org/adolescence/cypguide/files/Child_and_youth_participation_Guide(1).pdf).

Sources

(1) Examples of works: a) *Information about adoption*, New South Wales Department of Community Services, Australia, 1996. This

pamphlet is for children, teenagers and young adults who are thinking about being adopted.
b) *Nina has been adopted*, written by Dominique de Saint Mars and illustrated by Serge Bloch, Editions Calligram, 1996. See also ISS/IRC documentation Centre (above) as well as the virtual library on adoption "Tapestry books", <http://www.tapestrybooks.com/>

(2) *Preparation of the child for adoption*, Thematic file N° 26 of ISS/IRC
<http://www.iss-ssi.org/2009/assets/files/thematic-facts-sheet/fra/26.Pr%C3%A9paration%20de%20enfant.pdf>.
(3) UNHCR Guidelines on Determining the Best Interests of the Child. p. 77
<http://unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=48480c342>

Ivory Coast: An ISS/IRC assessment mission of the adoption system followed by promising results

Following an assessment mission in the Ivory Coast, ISS/IRC has published a report which presents the current situation of adoption and offers practical guidelines aimed at strengthening the child protection system regarding alternative care in this country, which still remains weak.*

Upon the request of the Ivory Coast authorities in charge of adoption, and thanks to the support provided by the French Service of Intercountry Adoption, the ISS/IRC visited the Ivory Coast in March 2010, in order to assess its adoption system and to identify the preconditions for possible ratification of THC-1993. This mission took place within a general context, which sees the Ivory Coast becoming an increasingly important country of origin, given that the number of intercountry adoptions has risen from approximately 30 at the beginning of the years 2000 to over 70 in 2009. Furthermore, the economic and political situation of the country remains difficult, which weakens equally the national administrative system as well as the traditional social network. In view of this situation, it has become necessary to consider particular measures to prevent risks and to ensure that adoption procedures are compliant with international standards.

Child protection

Children in the Ivory Coast, who are deprived of their parents, usually benefit from the support offered by the extended family and the community. As in other countries in the region, this form of informal care is quite widespread in the Ivory Coast, but no data is available to assess its extent. Given that these informal placements, by definition, are not subject to any procedure,

access to any form of support or to potential supervision remains impossible. It may be noted that this type of placement rarely results in a formal adoption.

Alongside this traditional system, a formal system of care of abandoned children, managed by the Directorate of Social Protection [*Direction de la Protection Sociale*, DPS], is gradually developing. Currently, it offers two formal alternatives for the care of abandoned children: placement in a public or private institution, and adoption. With regards to private institutions, in principle, they must receive accreditation from the DPS in order to be able to operate, but the latter until recently has not had sufficient resources to undertake a comprehensive census of existing numbers. It is therefore necessary to establish a monitoring system of the activities of private institutions, as well as develop new child care options, such as the implementation of a formal system of foster care.

Operation of adoption procedures

Two paths currently coexist in the Ivory Coast and may lead to an adoption judgment. One of them is via the DPS, i.e. the competent authority in matters of adoption, and the other is solely via the tribunals. This situation is due to the fact that the competences of the DPS in adoption matters have not yet been established in law. Thus, the tribunals continue to apply the law to the letter, as

they cannot impose a system that is not provided for by law.

Thanks to important efforts and the commitment of its personnel, the DPS has established a system that is very close to international requirements, in particular through the intervention of a multidisciplinary committee in charge of matching. However, in the second system, considerable gaps have been observed. On the one hand, most children come from unsupervised private nurseries, or directly from their family of origin. On the other hand, given the absence of a harmonised procedure, ensuring that all the steps of the adoption procedure are being respected depends on the practice of each tribunal.

These elements are risk factors in intercountry adoption matters, which may lead to abuses, such as the absence of the biological parents' informed consent. In order to remedy this, the report advocates, among others, for the obligation for any adoption procedure to proceed through the DPS.

Towards the ratification of THC-1993?

Thanks to the DPS's vital role, which is both close to that of a central authority as well as to an established adoption procedure, which despite some gaps, is getting closer to international standards, the country has already completed part of this path. However, obstacles remain: on the one hand, the current political context makes it difficult to include this issue on the political agenda. On the other hand, a lack of enthusiasm for intercountry adoptions has been observed, given that the latter has been linked to 'child buying' by some of the

population. In order to respond to this situation, the report suggests, in its final recommendations, a set of measures that could be considered. For their part, receiving countries are urged to become aware of the potential risks linked to adoption in the Ivory Coast, and to establish preventive measures (for example, by imposing that all adoption procedures proceed via the DPS).

Promising results

Following the publication of its report, the ISS/IRC has been informed by the DPS that a decree will soon be issued; it would make it possible to confirm the latter's competences and to make it compulsory for any adoption procedure to proceed through the DPS. A census of childcare facilities has also been launched and should be completed by 31 July. Further France has informed all adoption applicants in the Ivory Coast of the need to submit their applications to the DPS. These results are already very promising, reassuring the ISS/IRC that its mission has been worthwhile and useful.

* Available, in French, on the ISS website: www.iss-ssi.org/2009/assets/files/RAPPORT%20final%20COTE%20D'IVOIRE.pdf.

Source: *Service de l'adoption internationale* [Service of Intercountry Adoption], www.diplomatie.gouv.fr/fr/actions-france_830/adoption-internationale_2605/pays-origine_3233/fiches-pays_3895/cote-ivoire_9603.html.

From the metaphor of the rainbow to that of life's road: creative spaces for adopted children that foster self-expression.

The Espace Adoption Association has been running workshops on self-expression in French-speaking Switzerland, since 2007 for children involved in adoption. Véronique Cottier Etienne, an art therapist, and Daria Michel Scotti, an ethnic psychologist provide, in this article an original and detailed presentation.

Children readily use creative means and imaginary language to express their feelings, questions and possible internal

conflicts. As art therapy treatment shows, artistic mediation is also used successfully with a psychotherapeutic objective. Furthermore, creative activities encourage

exchanges within a group, because it is based on a game like environment free of threats, focusing on the pleasure of working with each other and sometimes all together. On the basis of this knowledge, since September 2007, we have been running an expression workshop for children from the age of 5 to 12 entitled "the Rainbow" in Geneva within the framework of *Espace adoption*. Its aim is to motivate creativity, self-expression and the sharing of experiences within a group of children involved in adoption. Each workshop lasts one year, by virtue of a two-hour meeting each month.

The set up and the objectives of the workshop

Before the beginning of a new cycle, those running them have individual conversations in a personal meeting with each registered child and his parents. It is a matter of getting to know them and to specify the aim of the workshop, but also and especially to listen carefully to the parents' expectations in relation to such an activity. In fact, the latter, might vary from simple participation in a creative workshop to the wish to see their child coming to grips with questions linked to his personal life experiences. We then insist upon the fact that our work does not have a therapeutic goal: in no way can it be a substitute for individual work that it can, on the other hand, complement perfectly well.

Finally, we specify that in the framework of the workshop, the real life-story of the child is never addressed, head on but always by a roundabout use of metaphors or symbolic games with creative tools, which allow for mediation. If some children want to talk about themselves in a more direct way this will always be their own initiative, and never ours. At the end of each workshop, we have a second conversation with the family during which the child, presents his own creations before taking them home with him. This exchange enables us to also better grasp the impact of our work on the child's general behaviour.

The framework and activities carried out during the workshop

The workshops are run by an art therapist assisted by an ethnic psychologist. Their presence guarantees the creation of a safe framework and makes it possible to verbalise the meaning that emerges from the art work, as well as accommodating the feelings expressed by the children.

Specifically, we encourage the participants to make the most of their creativity, by means of the different media put at their disposal (painting, drawing, collage, sculpture), and starting from the symbolic image that we suggest to them at the beginning of each monthly session. These images are metaphors connected to the experiences of adoption, and the passage from one world to another. They are interrelated and provide coherence/unity for the cycle of annual meetings and for the life stories that are woven around it. Moreover, thanks to the support of different media, the children can visit the world of their thrills, feelings, emotions and thoughts. Afterwards, still within the workshop, room is reserved for the display of their creative articles. They are then invited to look at them from a distance, as well as verbally expressing their feelings if they so wish.

The impact of the workshop on children and their families

The self-expression workshop has had an impact, the effect of which can be measured at different levels: at the prevention level, on the one hand, we notice that the act of putting children who share a common background in contact with each other, encourages the process of reciprocal identification and prevents the possible feelings of not being understood linked to the fact of their having been adopted. What each child has to say is shared within the group, taken up by others who can be inspired by it and may identify themselves with it or distinguish themselves from it. Adopted children are bearers of an identity difference which can sometimes be a stigma. In the framework of the workshop they have the chance of meeting their peers, who share a common identity to which a positive sense has been attributed.

On the other hand, for some children their participation in the workshop makes it possible to allow the emergence of images, strong and sometimes painful emotions, among which some are directly linked to the experience of inter-country adoption and to the challenges that it represents for an individual in the process of growing up. Thus our work seeks to be preventive, but also sees itself as a step forward towards particular life stories.

Results and perspectives

Today, more than thirty children divided in five groups have already participated in this activity, which continues in 2010. Half of them have expressed the wish to continue this work in the framework of a second module that we inaugurated in September 2009. It deals specifically with children who have already followed the first module and allows them to go deeper, always by means of the roundabout route of the imaginary and the creative, the work of expression that they have undertaken in the framework of *Espace adoption*. This workshop of the second cycle, entitled "*Making a road for oneself*", addresses itself

to children from 6 to 14 years of age and is organised around another founding theme: that of life's road.

If the rainbow, at the heart of our first module, symbolises the transition from one world to another, something common for all adopted children, the image of a road opens the way to a more personal self-expression and mobilises the process of differentiation as much as the feeling of belonging to a group of individuals sharing common past experiences. It tends to support the sense of a coherent and positive identity among these children, whose destiny always bears witness to a particular road travelled.

See www.espace-adoption.ch/

For more information: Creative arts therapies approaches; in adoption and foster care, Betts, D. J. USA Charles C. Thomas Publisher Ltd, 2003; Therapeutic Mediations and child psychosis, Brun A, Dunod Editions Paris, 2007; The art in therapy, Klein J. P, Ed. Hommes and perspectives, Marseille, 1993, Klein, J. P, The art of therapy; PUF Editions, Paris 1997; Play and Reality, Winnicott D, Gallimard Editions, Paris, 1975

INTERDISCIPLINARY RESOURCES

Europe and children in alternative care – new report published in 2010

Eurochild published the second edition of its situation analysis of children in alternative care in early 2010. This 241 page report provides comprehensive information on 30 European countries, including the 4 nations of the UK and Moldova.

The Eurochild report provides a detailed canvass of the alternative care situation of children across Europe. The report reviews the options available to children, numbers of children living in alternative care as well as the profiles of children deprived of their family etc. The study firstly and foremost concludes that there is a lack of data that is rarely collected in a manner that is comparable given varying definitions. Despite the inexistence of data, the study estimates that there are approximately 1

million children in alternative care in Europe as well as provides a specific analysis of the 30 countries based on available statistics.

Continued reliance on institutional care

The study concludes that although most countries recognise institutional care as a measure of last resort and internal efforts have been enforced to provide alternatives, it is still widely used for children without adequate parental care across the European Union (EU). For example, new

legislation was introduced in Romania resulting in the number of foster care placements increasing by 35% compared to 2005 and yet in 2008, an estimated 24,126 children remain in residential type services. Latvia and Lithuania have also seen an increase in the number of children in institutions.

The study mentions that several EU member states continue to place children under 3 in institutions despite wide evidence of the harm to the well being to the child. For example, 'data from the Czech Republic [...] in 2007 indicate that 1,407 under 3s are in institutions. In Romania, although new child protection laws in Romania forbid the placement of children under 3 in institutions, maternities and paediatric hospitals effectively act as institutions in cases of child abandonment (4,000 newborns were abandoned in 150 medical units in 2004)...'. The ISS/IRC notes that this practice is contrary to paragraph 22 Guidelines on the Alternative Care of Children which states 'in accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings...'

What about adoption?

Whilst the study does not specifically focus on the issue of adoptions, it provides enormous insight into the situation of children pre-adoption. Based on this examination of alternative care options including foster care, infant homes, homes for mentally or physically disabled children, kinship care etc, one can gauge whether the principle of subsidiarity is respected (ie: whether real national alternative care options are available for children and by assessing the support that is provided to families to prevent separation).

For those interested in undertaking an intercountry adoption in a particular European country, the study explains thoroughly what procedures are followed from the time the child is found to be need of alternative care up to the time the child is adopted. This information can help prospective adoptive parents better understand the country context and part of the life story of the child to be adopted.

The ISS/IRC welcomes this study as an important resource for understanding the context of alternative care in Europe as a region and within individual countries.

To access the report:

http://www.eurochild.org/index.php?id=208&tx_ttnews%5Btt_news%5D=387&tx_ttnews%5BbackPid%5D=292&cHash=aa2edf4f4c

READER'S FORUM

Enfoqueniñez: a Paraguayan NGO imparts its perspective and methodology of work with families of origin

Based on its work with families of origin, Enfoqueniñez shares with us some thoughts and its methodology of work designed to change the views of society and professionals with regards to families of origin. It aims to better include the latter in the process of caring for their children.

'Even if we consider that foster care is the best measure of alternative care for children without parental care based on our working principles at *Enfoqueniñez* (see box), we are convinced that the importance of work to be done with these children lies in the process carried out with the family of origin.

Furthermore, we believe as part of the objective of achieving family reintegration or a permanent family solution when the latter is not possible, analysing the situation of family of origin and reasons for removing the child is fundamental and will allow a response that is more socially comprehensive. Based on this perspective

of working with families of origin, we note some cross-cutting situations which we believe are important to analyse and take into account.

The prejudices towards families of origin

One of our observations has to do with the prejudices, stigmas and labels, with which these families appear within the protection system. Most of them are called or seen as 'negligent', 'abusive', 'maltreating' and other adjectives, which appear at a particular moment of their story, generally at the time of the intervention that generates the separation of the children from their families. Although we might agree that the children have been living in a situation of lack of protection (on the basis of some criteria), we also notice that there have been significant emotional bonds that have not been respected nor promoted, situations of abuse and chronic social exclusion (lasting several generations) and often a lack of understanding from the family of how protection measures functions and should be pursued. Thus, measure often become a punishment (as much for the family as for the child) rather than an opportunity to learn, change and genuinely improve the living conditions of these children and adolescents. We believe that approaching families of origin from the perspective of accusation and guilt rather than far from a spirit of collaboration creates an atmosphere of rejection and distrust. Furthermore, it hinders the beginning of a process of mutual understanding, analysis and reflection, between the family and professionals which would allow for joint work in pursuing family reintegration and strengthening.

Enfoqueniñez is a non-governmental organisation, which has been working since 2005 with a mission to offer a concrete protection response to children and adolescents who are separated from their families, by respecting their best interest in living in a family environment that promotes their full development. Its areas of intervention focus on four core areas of work:

- Direct attention to children and adolescents and their families, including foster care, the preservation of ties, and the strengthening of the family of origin.
- Impact in public politics.
- Capacity-building of various actors (of public and private entities) related to the matter.
- Systematisation of theoretical discussion materials, based on experiences of work, analysis and reflection.

The characteristics as well as individual and social background of families of origin

We notice that, in almost all the families, which we work with, there is a history of abuse among the parents. In our society, there are historical and cultural factors with strong signs of these behaviours towards the most vulnerable, in addition to socio-environmental and educational-work conflicts. Briefly, protecting the family should be at the basis of a State policy for a more balanced society enabling the monitoring of the children's development. It is necessary to understand particularities such as the diversity and flexibility in how families form in a community context with their own characteristics, when families and professionals are together thinking about, or exploring any intervention or analysis. If, in addition, we also take into account the fact that in the background of the adults – who are the most important emotional references for the children – there are stories of abuse, and that most of these have not been able to be addressed, the professional intervention could be sufficiently inadequate to the extent of that it rather generates fear, distrust and rejection.

The needed change in views and methodology among the professionals and the State

Therefore it is important to promote conversation spaces, which 'include' the voices, stories and expectations, not only of the professionals, but mainly of the children, adolescents and their families. These spaces are about the professional collaborating with the families in order to search together for new opportunities to generate a history of inclusion, and not of exclusion, of their children and adolescents. In this regard, it is necessary to mention that, most often, the 'times', which the family deserves and needs for this process are not 'acceptable' from the perspective of

the protection system. The latter usually tends to force decisions and situations, which subsequently become unsustainable. One question, which is often raised in this dilemma, is: how far can we, in pursuit of the rights of children, subdue the fundamental human rights of other affected human beings? This demands constant ethical questioning of our professional practice, hence the richness and importance of multidisciplinary team work and its regular review.

In this work, we prefer to search for the way in which the main actors and 'experts' are the members of the family. We seek that they lead the process to follow from the time of the intervention, as they are the ones to know best their needs, background and wishes for the future. Empowering

themselves in this process, as the main actors and not as passive actors who 'receive' the knowledge and information from the 'professional experts', will allow them to assume the abilities and possibilities of generating resources and finding the path for 'breaking up' new 'problems'.

Moreover, whilst the State and society do not promote structural changes, which would generate a better distribution of goods and wealth, the challenge of attaining a decent and sustainable level of human development will be increasingly more unachievable. In this context any professional intervention, which does not take account of this "supra-individual" dimension, could be considered to be partial and reductionist.'

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **United Kingdom:** Why neglect matters: Improving practice for children and young people in public care, BAAF, London, 24 September 2010. For more information www.baaf.org
- **United States of America:** a) *Shedding Light on the Adoption Experience VI an Educational Conference About Realities: The Lifelong Effects of Adoption and the Need for Family Preservation*, Adoption Crossroads, Adoption Healing, Baby Scoop Era Research Initiative, Origins Inc. Australia, Origins Canada, New York, 24- 25 September 2010. For more information, <https://www.adoptionhealing.com/Conference/index.html> b) 18th International Congress on Child Abuse and Neglect, IPSCAN, Hawaii, 26-29 September 2010. For more information www.ispcan.org/congress2010. and c) 36th annual conference of the North American Council on Adoptable Children, Connecticut, 4-7 August 2010. For more information <http://www.nacac.org/conference/conference.html>

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www.iss-ssi.org/Resource_Centre/Resource_Center_EN/About_ISS-IRC/about_iss-irc.html.

See Activities.

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