



EDITORIAL

2012 statistics: The economic crisis, a visible factor in the decline and a challenge for children's rights

As it does every year, the ISS/IRC has compiled the statistics from the top leading receiving countries and countries of origin in matters of intercountry adoption and provides an analysis of the resulting trends and their potential new factors and implications.

Whilst general trends are continuing to evidence a general decrease in intercountry adoption (- 55% since 2004) and the strengthened presence of the African continent in the panorama of countries of origin (one adopted child out of five was of African origin last year), the impact of the economic crisis is also slowly becoming more evident as well as its long-term implications for all actors concerned.

The impact of the economic factor on receiving countries

Even though the start of the world economic crisis now dates back a few

Receiving country	2010	2011	2012
U.S.A ¹	11,058	9,319	8,668
Italy	4,130	4,022	3,106
Spain	2,891	2,560	1,669
France	3,504	1,995	1,569
Canada ²	1,970	1,785	1,367
Germany ³	980	934	801
The Netherlands	705	528	488
Sweden	655	538	466
Switzerland ⁴	388	367	314
Norway	353	297	231
Denmark	419	338	219
Australia ⁵	222	215	149
Total	27,275	22,898	19,047

years, intercountry adoption is slowly starting to feel its implications for all actors concerned. Indeed, given the high costs of intercountry adoption, some prospective adoptive parents are now abandoning their adoption plans or turning their applications towards countries and intermediaries with lower costs, when possible... This has undoubtedly had an impact on the operation and sustainability of many accredited adoption bodies,

in particular those, which were only undertaking a limited number of adoptions per year and fully depended on the financial contributions of the parents. An example of the decrease in the number of adoption applications submitted by prospective adopters may be observed in the Belgian French-speaking Community⁶, where not only the approach taken by its Central Authority as to the reality of intercountry adoption today (limited number of

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adoptable children, with special-needs profiles for many of them), but also the effects of the economic crisis, have resulted in such a situation.

Central Authorities have also suffered from the budgetary cuts that many countries have had to decide in relation to their institutional structure, including social and children's issues, and might have had to continue undertaking a variety of functions in the adoption process with more limited and overworked teams. The complexity of undertaking intercountry adoptions in this context has been discussed in Italy⁷, for instance.

The impact of the global crisis on children

Several studies⁸ already evidenced the close relationship between economic hardships and children's wellbeing. These include cuts in the financial support to alternative care programmes (both from national, international, public and private funders) and an overreliance on the – temporary? – placement of children in institutions by their parents. Of course, such a situation leaves open the question of the adoptability of the child, knowing that poverty itself is never a sufficient cause to declare a child adoptable. Even though it is only through comprehensive studies that (domestic or international) adoption may be considered, cuts in social services programmes and structures may make these evaluations even more difficult, leading in turn to a lower level of protection for children. Thus, it is not accidental that several African countries experiencing economic and political crises are present on the list of leading countries of origin. In addition, and from a more global perspective, even though among the first 24 countries of origin, 10 have not ratified the the HC-1993, the total number of adoptions processed in those countries still represents 51% of the total number of 2012 intercountry adoptions.

Country of origin	2010	2011	2012
1.China	4672	4098	3998
2.Ethiopia	3977	3144	2648
3.Russia	3158	3017	2442
4.Colombia	1549	1522	901
5.South Korea	991	920	797
6.Ukraine	1091	1054	713
7.DRC	166	339	499
8.Philippines	413	472	374
9.India	473	688	362
10.Bulgaria	230	259	350
11.Brazil	373	359	337
12.Taiwan	310	311	291
13.Haiti	1361	142	262
14.Thailand	124	258	251
15.Nigeria	236	218	238
16.Poland	307	304	236
17.Vietnam	1243	620	216
18.USA	147	97	178
19.Ghana	128	107	172
20.Hungary	117	154	145
21. Mali	123	154	127
22.South Africa	71	120	81
23.Latvia	120	116	59
24.Central African Republic ¹⁰	12	19	43

What to expect over the next year?

Whilst intercountry adoptions have generally been falling in receiving countries, it is worth highlighting that the latter are increasingly witnessing the intercountry adoption of children with special needs. For example, in France, in 2012, 52% of all adopted children had special needs, a clear increase in comparison with the previous year in which they amounted to 35%. Finally, another trend has been confirmed: the higher age of prospective adoptive parents⁹.

Following concerns raised in last year's review of the 2011 statistics, several African countries have started considering potential legal, institutional and practical reforms in order to move towards a better implementation of children's rights and of the principles and standards of intercountry adoption. This is the case of Ghana, where ISS is currently providing technical assistance to prepare the country's accession to the the HC-1993. Similarly, the evaluation mission that took place in Kinshasa last May can be seen as a very first step in questioning the current adoption system prevailing in the Democratic Republic of Congo. The initiative taken by Francophone countries during the seminar that took place in Dakar at the end of 2012 under the auspices of the Hague Conference, and at the African Conference on Intercountry adoption in Addis Abeba in May 2012, are other positive signs. Also, it will be worth observing what potential initiatives – such as legal, policy, institutional and practical amendments – may be taken by those countries that have recently signed and/or acceded to the HC-1993 and which will start implementing it, such as the Republic of Korea, Lesotho, Swaziland, and how this may have an impact on their current intercountry adoption practice.



Thus, whilst some of the trends of recent years seem to confirm themselves, new factors and regional moves are having and will continue to have an impact on the current panorama of intercountry adoption. It is important here to continue reiterating and implementing the fundamental principles and standards established by the HC-1993 in all circumstances, and not to allow the economic contexts to give priority to financial issues rather than the rights of the child and of other involved parties. In this context, the principle of cooperation and shared responsibility plays a key role in ensuring that all actors work towards the same objective, despite the challenges ahead of them.

The ISS/IRC team
October 2013

Sources:

Central Authorities in intercountry adoption and other governmental entities; for further information, please contact the ISS/IRC.

Notes:

¹ Fiscal year: 1 October 2011 – 30 September 2012.

² This number includes those adopted children authorised to enter Canada as permanent residents in 2012 (435) and those children authorised to enter Canada as Canadian citizens in 2012, in addition to those adopted previously but whose citizenship was only granted in 2012 (932).

³ This number only refers to adoptions undertaken by German agencies and accredited bodies and does not include private and relative adoptions.

⁴ This number does not include relative adoptions.

⁵ Fiscal year: 1 October 2011 – 30 September 2012.

⁶ For instance: *How the economic and financial crisis is affecting children & young people in Europe*, Eurochild, 2012; *The global economic crisis and impacts on children and caregivers: emerging evidence and possible policy responses in the Middle East and North Africa*, Overseas Development Institute, 2009.

⁷ Fédération Wallonie-Bruxelles, Direction de l'Adoption, Lettre d'information n°6, September 2013

⁸ 'Zero euro per le adozioni internazionali', *Vita.it*, 14 October 2013, <http://www.vita.it/welfare/adozioni-internazionali/zero-euro-per-le-adozioni-internazionali.html>.

⁹ For example, in Italy, the adoptive father's average age is 42.7 years and that of the mother is 40.7. In France, too, 20.01% of all prospective adoptive parents are aged between 45 and 50, 33.33% between 40 and 45 and 22.50% between 35 and 40. In Australia, 70% of adoptive parents are aged 40 years or over.

¹⁰ Children from the Central African Republic have only been adopted by French citizens.

Several countries, such as Germany, Italy, Australia and Norway, cluster some countries under general categories, such as 'several Asian countries' or 'other countries'; thus, it is impossible to list with precision the origin of these adopted children. These numbers do, however, represent a limited minority of all adoptions in each country.

BRIEF NEWS

Democratic Republic of Congo: New suspension measure

Through a *note verbale* of 25 September 2013, the Ministry of the Interior and Security (General Directorate of Migrations) of the Democratic Republic of Congo announced 'the suspension, for a period of 12 months from this day, of all procedures linked to intercountry adoption and to the authorisation of exit of adopted children'. This measure results from allegations of procedural abuse relating to Congolese children adopted abroad. ISS, thanks to its local contacts, is closely monitoring developments in this situation and will inform its readers of any change.

See also: U.S. Department of State (U.S.A.), http://adoption.state.gov/country_information/country_specific_alerts_notices.php?alert_notice_type=alerts&alert_notice_file=democratic_republic_of_congo_04; Mission de l'Adoption Internationale (France), www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/actualites-de-l-adoption/les-breves-de-l-adoption/2013-22151/article/communique-relatif-a-la-suspension-108519; Commissione per le Adozioni Internazionali (Italy), www.commissioneadozioni.it/IT.aspx?DefaultLanguage=IT.



Public hearing on the Advisory Opinion on migrant children requested by the States of Argentina, Brazil, Paraguay and Uruguay

On 9 and 10 October, a public hearing on the Advisory Opinion on migrant children was held in Mexico City. The Advisory Opinion was requested by the States of Argentina, Brazil, Paraguay and Uruguay. At the public hearing, many observations were presented by some of the Member States of the Organization of American States and the Inter-American Commission on Human Rights, as well as by civil society organisations. In this regard, the States of Argentina, Brazil, Paraguay and Uruguay requested the Court 'to specifically rule on the following issues: 1) Procedures to identify needs for international protection and potential situations of risk for the rights of migrant children; 2) System of due process guarantees; 3) The non-detention of children. Standards for the application of precautionary measures in immigration proceedings; 4) Measures of protection of rights that do not entail restrictions on liberty; 5) State obligations in the case of custody of children based on migratory reasons; 6) Due process guarantees before measures that entail restrictions on the personal freedom of children based on migratory reasons; 7) The principle of non-refoulement in relation to migrant children; 8) Procedure to identify refugees' needs for International protection; 9) Right to a family life of the children when their parents are removed due to migratory reasons'. In this regard, ISS and the *Red Latinoamericana de Acogimiento Familiar* (RELAF) decided to submit an *amicus curiae* on 16 February 2012 as well as an oral observation at the hearing on 10 October of this year. The presentation was based on the Guidelines for the Alternative Care of Children. We hope that the observations presented by various organisations will contribute to a legal framework of protection for migrant children.

To see the video of the hearing, go to: <http://vimeo.com/album/2563314/video/76653316>.

INTERDISCIPLINARY RESOURCES

Innovative research on siblings in alternative care launched

SOS Children's Villages is convinced that brothers and sisters should be able to stay together (a key working principle), unless it is not what is best for them. This brief article written by Jan Folda¹ presents the new publication on this very important topic.

In 2007, SOS Children's Villages France started research activities on the topic of sibling relationships in alternative care and invited other SOS associations from Western Europe and North America to join. SOS Children's Villages France was in a good position to launch the project due to its lengthy experience in providing care for siblings since its beginning in 1956.

Based on a call for joint cooperation, the SOS Children's Villages associations of Italy, Spain, Austria and Germany decided to start national research projects on sibling relationships. The main objectives of the cooperation were to share and compile theoretical and practical knowledge on the importance of sibling relationships in alternative care and to support and develop the educational practice with siblings in alternative care by developing recommendations.

Focus of the research

It was decided from the outset that the research would focus on qualitative, not quantitative, aspects of caring for siblings in alternative care, although it

was clear that it would be much more difficult to do such research. One of the problems that all national associations faced was a lack of detailed official data on siblings in alternative care. Mostly, simple figures are available, but information regarding the family situation and siblings relationships or how to support professionals taking care of siblings is almost unavailable.

Outcomes of the research

Each national association taking part in the project did its own desk research and surveys, mostly in cooperation with universities or independent experts on alternative care. In several cases, more countries worked together. Results were presented at different conferences and workshops and they strongly supported the position of these SOS associations as experts in providing alternative care with a deep understanding of the specific aspect of taking care of siblings.



Publication *Because we are sisters and brothers*

Major outcomes of the whole research project were compiled in the publication *Because we are sisters and brothers*. The most important part of the publication represents a set of recommendations, defined and agreed on by all members of the project group.

These recommendations represent the joint opinion of the group as to how the alternative care of siblings should be organised. The recommendations can be clustered into four groups:

1) The needs and demands of siblings are considered systematically;

2) Educational support enhances the development of sibling relationships;

3) Service providers offer structures to foster sibling relationships; and

4) Child and youth welfare provides an adequate framework.

The publication is available in English, German, French, Spanish and Italian. All language versions may be downloaded directly from the website of SOS Children's Villages International. ISS welcomes this new publication as being fundamental in protecting the rights of siblings in alternative care and as being consistent with the Guidelines for the Alternative Care of Children.

Reference:

¹ Jan Folda works as a Programme Development Advisor in the Continental Office for Western Europe and North America of SOS Children's Villages International. For further information, please contact jan.folda@sos-kd.org.

After three years of consultations, *Identifying basic characteristics for formal alternative care settings – A discussion paper* is now available

The Discussion paper on formal care characteristics is a complementary resource to the Moving Forward Handbook (see Monthly Review N° 02/2013), shedding light on possible settings that could be considered when developing a range of quality care options in any child protection framework.

A publication¹ on key features of the different formal care settings cited in the Guidelines for the Alternative Care of Children (notably at para. 29.c) has been released as a resource useful, among others, for mapping out alternative care systems in any given country.

Development of the discussion paper

The commissioning organisations² 'felt that there was considerable value in the effort to arrive at more widely accepted common definitions – and conversely that the lack of agreed definitions is an obstacle to improvements in the out-of-home care of children'. The paper is grounded in a report submitted by an independent consultant, Nigel Cantwell, who was appointed to review current thinking on terminology and propose tentative 'definitions' in that light. This report was circulated more widely for further inputs through various networks in early 2011. The responses were carefully considered to identify majority views. On this basis, the commissioning organisations finalised the paper, moving away from having 'definitions' in the title to avoid being potentially prescriptive.

Need for a full range of formal care options including the possibility of hybrid settings

Given the suitability principle embedded in the Guidelines (*i.e.* an individualised approach for each child) and the need to have a range of quality options, the paper notes that 'all care settings may be valid components of that range (...). Categorisation as one or other kind of setting therefore carries with it no *a priori* value judgment to the extent it is in the best interests of children and meets quality care standards. This may be particularly important when it comes to attempting to classify what one might call "hybrid" care options, which may not conform neatly to the characteristics outlined in this paper or to the specific forms of care in the Guidelines themselves'.

What formal care settings are covered

Settings such as foster care, including formal kinship care and other family-based care, are described. For settings that are not family-based, they fall within the larger category of residential care including those that are family-like and of an institutional nature. With regard to the latter, it was felt that 'there seems to be general, though not total, consensus that the cut-off

point between “group care” and “institution-based” care could stand at about 10 children (...). This figure should be read with other key characteristics of institutions such as carer/child ratio, length of placement and, importantly, quality of lifestyle (e.g. regimented schedule and inflexible for individual needs of children and whether older children are allowed some independence).

Into the future and on the ground

As many countries embark on reforms to their alternative care systems including ‘de-institutionalisation’, this resource provides guidance as to the characteristics of potential formal care settings that could be envisioned to ensure a wide spectrum of suitable options.

Sources:

¹ Available at: http://resourcecentre.savethechildren.se/sites/default/files/documents/formal_care_settings_characteristics_march_2013_final1.pdf.

² Commissioned and financed by the Better Care Network, Family for Every Child, International Social Service, SOS Children’s Villages International and Save the Children. The paper is an output of the NGO Working Group on Children without Parental Care in Geneva (a sub-group of the NGO Group for the CRC).

READERS’ FORUM

Parents through adoption: Words for every day

For ten years, Blandine Hamon, a Doctor and Trainer at Enfance & Familles d’Adoption has been leading support groups. Following this valuable experience, she has written a book that offers food for thought to be pursued at one’s own pace.

Blandine Hamon invites us to accompany the parents and children through the adoption process, addressing very important questions, such as the child’s early background, the daily life with him, education, sexuality and adolescence. This book¹ is divided into two parts: *Vivre avec la première histoire de son enfant* (Living with one’s child’s early background) and *Éduquer, accompagner* (Educate, support). It is supported by very practical examples and advice.

Living with one’s child’s early background

This section covers matters relating to the origins, abandonment and supporting bereavement.

For each subject, the parents’ perspective and that of the children are discussed. Blandine Hamon also provides answers to some questions asked by parents in relation to themselves. The author explains how the adoptive parents will have to live their whole lives with their child’s fantasised biological parents.

The author gives very practical advice on how and when to give answers to the children. She explains how to put into words the adoption of a three-year-old child, who does not seem interested in his background. She explains that by starting to talk about it, the child will know that he can raise the issue with his parents when he starts to have real questions

– that it is not a taboo. Blandine Hamon constantly stresses that it is essential to always remember to reassure the child about his worth. She also stresses the fact that, in some cases, professional support is necessary.

Educate, support

The author explains, through many examples, how to find a happy balance between being understanding and being firm. She stresses the fact that ‘healthy’ authority means respecting the child’s abilities and personal potential. The book also discusses questioning behaviour, such as being very upset, aggressive, violent and agitated. The author insists on positive reinforcement, i.e. highlighting everything that works well, instead of punishing what goes wrong.

The author also addresses education, in particular by advising parents to choose, whenever possible, a school with small class sizes, where the teaching staff are open, to choose the class level in accordance with the child’s emotional maturity, rather than his age, and, above all, to take a positive view of his full potential.

The author tackles the issue of reactions at school, which are sometimes negative towards adopted children. She stresses that the parents’ unwavering



attitude in their conviction that they are the legitimate parents and these are their children forever is the surest way to avoid becoming flustered when faced with disparaging remarks.

This article does, by far, not cover all the subjects covered in this book, and we warmly recommend it to both parents and professionals.

Note:

¹ Hamon, B., *Parents par adoption, des mots pour le quotidien* [Parents through adoption, words for every day], Enfance & Familles d'Adoption, January 2009.

SPECIAL SERIES: THE RIGHTS OF CHILDREN IN ALTERNATIVE CARE AT THE UNITED NATIONS

Protecting mothers and girls against discrimination in the family and in alternative care settings

This fifth article in the series explores cross-cutting issues covered by the Guidelines for the Alternative Care of Children and the Convention on the Elimination of all Forms of Discrimination Against Women and focuses on how these standards provide safeguards for mothers and girls.

Mothers and girls are sometimes dealt with inappropriately and wrongly in family and alternative care settings. This article highlights such examples, detailing safeguards in both the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Guidelines for the Alternative Care of Children (Guidelines). It is based on a presentation¹ to the CEDAW Committee by ISS and SOS-Children's Villages International.

Discrimination against women - a reason for the child's separation from his family

The engrained stigma associated with having a child as a single mother or out of wedlock can be a factor leading to the child's abandonment or relinquishment. For example, in Pakistan, there

Some protections provided by the Guidelines in the framework of discrimination against women

Para. 6: All decisions, initiatives and approaches falling within the scope of the present Guidelines should be made on a case-by-case basis [...] in conformity with the principle of non-discrimination and taking due account of the gender perspective.

Para. 9b: To provide appropriate care and protection for vulnerable children, such as child victims of abuse and exploitation [...].

Para. 10: Special efforts should be made to tackle discrimination on the basis of any status of the child or parents, including poverty, ethnicity, religion, sex [...] birth out of wedlock [...].

Para. 34: [...] These social protection measures should include: [...] (c) Youth policies aiming at empowering youth to face positively the challenges of everyday life, including when they decide to leave the parental home, and preparing future parents to make informed decisions regarding their sexual and reproductive health and to fulfil their responsibilities [...].

Para. 36: Special attention should be paid, in accordance with local laws, to the provision and promotion of support and care services for single and adolescent parents and their children, whether or not born out of wedlock. States should ensure that adolescent parents retain all rights inherent to their status both as parents and as children, including access to all appropriate services for their own development, allowances to which parents are entitled, and their inheritance rights. Measures should be adopted to ensure the protection of pregnant adolescents and to guarantee that they do not interrupt their studies. Efforts should also be made to reduce the stigma attached to single and adolescent parenthood.

continues to be 'widespread and increasing problem of honour killings that affect children both directly and indirectly, through their mothers, and which are routinely imposed by *jirgas* (parallel judicial systems) in the tribal areas'.

Moreover teenage mothers – who have limited access to services for their own development such as education, housing and health - are often at higher risk of being separated from their child. Prevention mechanisms may not exist, such as in the Solomon Islands where 'girls are not protected from the risk of pregnancy'. Likewise, in Angola, more than 50 per cent of first pregnancies occur for girls under 18 and the minimum age for girls to be married is 15.

The mere status of being a girl can also be a factor resulting in separation. For



example, in the Muslim community of Thrace in Greece, sharia law allows for early marriages which 'in many cases amounts to sale of children'. Likewise, in Pakistan, 'the persistence of inhumane customs and rituals threatening the lives of and causing extreme insecurity, health hazards and cruelty to girl children, such as murders, burnings, acid attacks, mutilations, stripping and sexual harassment' leads to the definitive parting of girls from their families.

Range of options lacking for girls

Once alternative care becomes necessary, due to the lack of options, girls especially may be forced to live in inappropriate settings and become subject to sexual exploitation. When this occurs, the needs of girls as victims are often unsuitably addressed. For example in Austria, 'child victims of prostitution are sometimes treated as offenders rather than victims in the State party and are imposed administrative fines'. In other countries such as Greece, recovery and reintegration measures do not adequately take into account the needs of victims of sale of children, which includes limited access to care.

Discrimination against girls in care settings

When alternative care is provided, children are highly susceptible to their rights being contravened. In informal settings, such as the extended family, it is not uncommon for girls to be employed as household aids to the detriment of their full development. In Pakistan, females may be caught in situations 'including bonded labour and economic exploitation

of girls'. In the Solomon Islands, under informal adoptions or in order to overcome extreme poverty, young girls may be employed as domestic workers, within wider kinship groups.

In formal settings, the rights of all children are often compromised as discussed during this series (see Monthly Review № 11-12/2012).

International Conventions provide protections for discrimination against women in alternative care

The UNCRC as well as other key international conventions, including the CEDAW, have provisions to address the above situation. CEDAW affords mothers and girls with special protections in the family and in alternative care settings as explicit in the preamble, article 4 (maternity), article 5 (shared responsibilities for child rearing), article 10 (equal access to education), article 11 (equal access to employment), article 14 (equal access to health services) and article 16 (marriage and family relations). Supplementary protections are provided by the Guidelines (see box).

The ISS/IRC encourages professionals to avail themselves of the protections provided by the UNCRC, CEDAW, the Guidelines as well as other international standards to better safeguard mothers and girls against discrimination within the family and in alternative care settings.

Source:

¹ The briefing note, which is available at the ISS/IRC, includes references for the country examples.

FORTHCOMING CONFERENCES AND TRAININGS

- **France:** *L'enfant face à ces « nouveaux parents »* [The child faced with these 'new parents'], COPES, Catholic University of Lille, 29 November 2013. For further information, see: <http://www.copes.fr/Annexes/Formations>.
- **United Kingdom:** a) *Foster carers becoming adopters*, BAAF, Rhyl, 16 January 2014; b) *Adopting Again? Preparation Course for Adopters Applying to Adopt a Second or Subsequent Child*, Belfast, 18 January 2014; c) *Making good adoption assessments*, London, 20 January 2014. For further information, see: <http://www.baaf.org.uk/training/events?page=2>.

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