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EDITORIAL

A year 2013 full of projects

In this first Editorial of the year, we offer our usual brief flashback on the activities undertaken by the ISS General Secretariat and on what is expected in this new year that is starting.

An important part of the ISS/IRC's activities in 2013 was aimed at supporting various countries of origin: first, the completion of the project undertaken jointly with UNICEF and RELAF in Colombia, which took place in the framework of important reforms decided by the Colombian Institute of Family Welfare (ICBF) in May 2014 (see Monthly Review N° 173/June 2013). The ISS/IRC then had the opportunity to support the Permanent Bureau in Haiti, in the framework of its programme of assistance in the implementation of the new Haitian Central Authority. In parallel, important work has been undertaken to finalise the new law on adoption, which entered into force in December of last year (see Monthly Reviews N° 175/September 2013 and N° 177/November-December 2013).

The adoption system in the Democratic Republic of Congo was also the object of an assessment mission, which alarming conclusions were presented in Monthly Review N° 172 of May 2013. At the end of the year, the ISS/IRC team was commissioned by UNICEF to support the ongoing reform process in Ghana, in particular in relation to the review of its adoption law and that relating to foster care, as well as to the preparation for the ratification of the HC-1993. It is also worth mentioning that, in the framework of the project 'Helping children with disabilities in institutions to find a family', training was provided to professionals in charge of this issue in April in Azerbaijan. An exploratory mission was also undertaken in November in Burkina Faso, where the project will be implemented this year, whereas in Vietnam, another of the project's intervention countries, the means of implementation were examined closely with the Ministry of Labour – Invalids and Social Affairs, UNICEF and the French Embassy in Hanoi, in order to prepare the training of professionals from approximately 20 entities in March.

Receiving countries were not forgotten, as various activities were undertaken for the Central Authorities of Canada, Flanders and Denmark.

This closeness to the Central Authorities of receiving countries and countries of origin therefore allows our team to share the experiences developed across

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the world with the various actors, and to keep in touch with ‘the field’, which remains essential to a good understanding of the issues of intercountry adoption.

A connection with the academic sector

The opportunities of the calendar have led the staff of the ISS/IRC to take part, several times during the year, in conferences organised by universities (in particular, the Fourth International Conference on Adoption Research – ICAR4 – in Bilbao in July). Our presentations caused considerable interest among academic researchers, and have allowed to offer a different view on adoption. Indeed, it often appeared that empirical research with adopted children or adoptive families was not able to take sufficiently into account the child’s story prior to his adoption, and, more specifically, those abuses that may mar the adoption, without this being apparent in the child’s file. The study *Investigating the grey zones of intercountry adoptions* has therefore been very welcome, and several contacts initiated at these events have already allowed for the establishment of new cooperation.

A well-liked service

In the framework of its more traditional activities, the ISS/IRC gave a new format to its Monthly Review and published 10 new issues during the year, including one on the issue of the resort to international surrogacy. In view of embracing external contributions, the editorial board opened up its pages to 21 external articles, which also reflects the good quality of our publication. Furthermore, a survey was undertaken during the year as to the dissemination of the Monthly Review by our readers. By playing with the numbers obtained¹, we could say that if half of our readers forward the Review to approximately 20 individuals, the potential number of readers could be as high as 20,000! This number is impossible to ascertain, but we are pleased with it in any case!

A little less than a hundred requests on diverse issues were submitted to the ISS/IRC throughout the year, 13 Country Situations were drafted or updated, factsheets on alternative care and adoption were submitted to the Committee on the Rights of the Child at every pre-session, conferences and trainings were held. Thus, the assessment of the year is positive and validates the fact that our work is useful and welcome.

For 2014, in addition to our fundamental mission, we hope to launch, on the one hand, our new project ‘The discovery of abuses in the search of origins’, and, on the other hand, to publish a new version of the Ethical Guide (now called ‘manifesto’). Progress has already been made on both these projects and our hopes are high for their completion – our resources permitting, of course.

Through this Editorial, the whole ISS/IRC team would like to thank, once again, the various individuals and entities, who, thanks to their support, have allowed us to pursue our efforts.

The ISS/IRC team
January 2014

Source:

- ¹ - Of the 2,311 individuals/entities that receive the Monthly Review, 167 replied to the questionnaire (7%);
- amongst these 167 replies, 82 stated that they forwarded the Review to other contacts, amounting to 1,991 (i.e. an average of 25 per contact);
- NGOs (including accredited adoption bodies) are the most benefitted by this redistribution (62% of cases), followed by private individuals (experts, professionals at 27%) and state services (11%).



BRIEF NEWS

Alpa-Le Fil d'Or (Paris-France): An organisation dedicated to supporting today's forms of parenthood

This association's first objective, which is currently initiating its activities, is to support prospective adoptive parents. Indeed, it appeared essential that they could be supported by an independent and professional organisation, as they exist in other receiving countries. Alpa-Le Fil d'Or therefore wishes to respond, in a constructive and adapted manner, to the various recommendations of international bodies in the field of adoption. A Scientific Council (www.alpa-lefildor.fr/comite-scientifique/), jointly with a Technical Council (www.alpa-lefildor.fr/conseil-technique/), lead this organisation and ensure its ethics. Professionals, whose specialisation and multidisciplinary nature in the intervention (in the psychological and medical fields, including in their intercultural and international dimension) is recognised, share common ethics in the search for the child's best interests and the respect for the principle of subsidiarity in intercountry and domestic adoption. In particular, Alpa-Le Fil d'Or offers a session of three four-hour workshops, particularly focused on 'the preparation of the prospective parents for the adoption of one or several children', as well as workshops and conferences on other topics.

The activities of Alpa-Le Fil d'Or have started in January 2014 and registrations are open at: <http://www.alpa-lefildor.fr>.

United Nations: Forthcoming entry into force of the third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure

On 14 January 2014, Costa Rica became the 10th country to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, thereby allowing for the entry into force of the latter within three months. As stated by Kirsten Sandberg, President of the Committee on the Rights of the Child, 'the Optional Protocol gives children who have exhausted all legal avenues in their own countries the possibility of applying to the Committee'. Now, in those countries having ratified this Protocol, children or groups of children will be able to submit a complaint to the Committee on the Rights of the Child in relation to specific violations of their rights, as enshrined in the UNCRC and its Protocols. For further information on the Optional Protocol and its implementation guide, see: <http://www2.ohchr.org/english/>.

LEGISLATION

Europe: The ECHR judgement on the declaration of abandonment and adoption of a child

In September 2013, the European Court of Human Rights ruled¹ that the France did not exceed its discretion in finding that the best interests of the child called for the declaration of abandonment and for allowing an adoption.

In 2002, a woman gave birth to a daughter and asked that the birth be kept a secret. Two months later, she acknowledged her daughter. Afterwards, she was hospitalised several times for mental disorders and placed under legal guardianship. In 2007, she was released from the centre where she had been hospitalised. During these years, the mother made only one visit to her daughter, a second visit was cancelled at her request. The child was temporarily placed in foster care. In 2005, she was admitted as a

ward of the state and parental responsibility was delegated to the Child Welfare Service; in 2006, her full adoption was decided.

The declaration of abandonment

The Court held that the declaration of abandonment was a measure corresponding to the best interests of the child and appropriate to the legitimate aim pursued. The Court noted that, since her birth, the child had received nursery care and a foster home due to the deficiency of her mother. The Court also



considered that the decision process had allowed the mother to safeguard her interests.

Full adoption

The Court considered that, once the declaration of abandonment had been made, it was in the child's best interest to ensure her personal situation was

stabilised and secured by allowing a full adoption. Since the child was three and a half years old and had only seen her biological mother once, this made it possible to establish a legally-recognised relationship of the child with her foster family.

This decision marks an important step for France in that it confirms the position of the French ruling that the needs of permanency and security for the child must take precedence over those of the biological parent, who does not fulfil his inherent parental duties. This ruling may set a precedent for many French children separated from their families in similar situations.

Source:

¹ Judgement available at: <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-126458>.

PRACTICE

The temporary care of children with disabilities: The Colombian experience

Lazos de Familia [Family bonds] was established in 2007 to support children and adolescents with a view to helping them find a suitable family to create affective bonds with and, thereby, to strengthen their social inclusion skills.

The pilot phase of the *Lazos de Familia* programme was implemented between 2007 and 2009 in four protection institutions in Bogota. This initiative has evidenced significant achievements in five areas: school performance, hygiene and health skills, communication with peers and adults, motor development and conflict resolution. In 2011, the Colombian Institute for Family Welfare (Instituto Colombiano de Bienestar Familiar, ICBF) approved the Guidelines for the search of affective reference persons, which principally gathers the programme's experience (see Monthly Review Nº 08/2011) and grants it an institutional character.

Some insightful numbers

In total, 443 adoptable children over the age of nine have benefitted from the programme: 219 have had an affective reference person within foster and mentoring families, and 92 have found an adoptive family. It is worth emphasising the permanency of 70 affective relationships for a period of between two and over six years. During 2013, an additional 300 children were put in contact in order to find an affective reference person.

The profile of children with disabilities

It is worth highlighting that, of the above-mentioned 70 affective relationships, there are 18 children and adolescents with a disability. These children are placed in nine protection homes and their ages range

from eight to 25 years, with a mental age that is approximately three years behind. The great majority of these children have a cognitive disability, whilst a smaller proportion has bilateral hypoacusis and hip dysplasia.

The education of the children is classified in accordance with their motor and cognitive abilities. Given these children's disabilities, they must attend special education and require special care in the areas of phonoaudiology, occupational therapy and special education. Despite their disability, these children have displayed functionality in activities that do not entail complex cognitive processes. The children with hypoacusis and hip dysplasia display some limitations in physical activities and sports.

The profile of the foster and mentoring families

In relation to the affective reference persons, the majority are aged between 40 and 50 years, whilst for less than three families, they are aged over 60. Also, eight cases of affective reference persons between the ages of 20 and 30 years have been identified. Furthermore, 84% of the affective reference persons have been identified as having university or postgraduate studies, whilst only 5% of them have basic primary education.

The length of time that families remain in the programme varies from one to 10 years, their commitment is to minimum one visit a month and a



call every two weeks, but there are also several families that have weekly or fortnightly contacts.

The benefits of affective relationships between the children and the families

The teams have noticed that maintaining an affective bond between the children and the families helps to reinforce the social skills and emotional abilities and make the children's inclusion in cultural and recreational environments easier. Through the inclusion in family environments, the children stimulate and sustain the abilities that are furthered in the protection homes. It is worth clarifying that these abilities are previously prepared with the families, in accordance with the child's pathology.

With regards to the families, the majority state that this practice has contributed to their personal and family development and the challenge of supporting a child with a disability provides them with personal satisfaction. Some require support in the specific management of medical situations and of the risks linked to welcoming a child in their home. Thus, they value alternative activities, such as the meetings, debates, physical activities, educational outings and counselling aimed at providing better welfare to the child they support.

Challenges in the systematisation of family-type care models for children with a disability

The conditions of disability entail the determination of new forms and strategies of bonding between the children and the families that participate in the programme.

Sponsorship practices and organised models, such as the one by Kidsave and the ICBF, have formalised the temporary care relationships of children with disabilities. However, there is no document that systematises these practices and the lessons learnt in alternative care. The educational rehabilitation model continues to be given preference in the processes of care of children with disabilities. This model is inclined to give priority to intervention strategies within institutionalisation and by specialisation, thus raising the risk of isolating the child from his environment and affecting the development of social inclusion skills.

Based on the above, Kidsave has started to gather good practices with 12 temporary care families, aimed at compiling the experiences, activities and recommendations from the families in order to draft a Support Handbook for Mentoring Carers, which would strengthen and facilitate this type of relationships.

Notes:

Foster family: Person or group of persons with a family structure, with or without children, who provide temporary care one weekend a month, thus becoming an affective reference person for the child and supporting him in the development of his life project.

Mentoring family: Person or group of persons, with innate talents or a higher educational degree, who promote and support the development of a life project for adoptable children over the age of eight years. Their commitment is of one day a month, without the child staying to sleep in the mentor's home.

INTERDISCIPLINARY RESOURCES

Child abandonment and its prevention: A comparative study of European practices

Based on previous works on the phenomenon of institutionalisation in European countries, this research focuses, in more details, on the main cause of such a phenomenon: the abandonment of children and its means of prevention.

This research, led by the University of Nottingham and supported by the European Commission, offers a comparative study of the scope of child abandonment in Europe and its prevention. This study – of 387 pages – provides a considerable quantity of information on the causes, consequences, legal

differences and prevention programmes that exist in various European countries. Bulgaria, the Czech Republic, Denmark, France, Hungary, Lithuania, Poland, Romania, Slovakia and the United Kingdom are all countries, which have been carefully analysed from various perspectives, in order to, first, globally



address the phenomenon of child abandonment and, subsequently, analyse it further.

From a global approach to abandonment and prevention...

This document first presents an overview of child abandonment and its prevention in Europe. In particular, it focuses on the various concepts of abandonment and the various approaches taken by the above-mentioned 10 countries. All these having ratified the United Nations Convention on the Rights of the Child, the definitions and general child protection laws are in line with the same principles. However, the specific laws relating to child abandonment, such as the loss of parental responsibility, the legal consequences of abandonment for children and for parents, as well as the legislation aimed at the prevention of abandonment, vary from one country to another. For example, in some countries, in particular the United Kingdom, it is prohibited to relinquish one's parental responsibility without having first taken formal alternative care measures (foster care, adoption). On the other hand, the loss of parental responsibility may occur on condition of anonymity in other countries, such as France, where the mother may give birth anonymously (*sous X*) or by placing the child in baby boxes in Hungary, Lithuania or Poland. This research also offers an in-depth analysis of legal anonymous abandonment and of the right to know one's origins, by dedicating a whole chapter to the issue of 'baby boxes' (see Monthly Review N° 05/2012 and 09/2012).

Finally, an overview of the various measures aimed at the prevention of child abandonment is offered through an analysis of the factors that increase the risk of child abandonment, but also of the efforts and initiatives undertaken in the various European

countries to prevent abandonment (coordination of abandonment prevention activities in maternity wards and hospitals in Romania, etc). The study also lists those good practices and services available to families in order to provide them with the necessary support in the continuity of the exercise of their parental rights (activities for the strengthening of the parent-child bond in Poland, etc).

... to a more detailed country approach

The second part of this research is devoted to an in-depth study of the situation of child abandonment in each country. The researchers first provide an overview of the situation in the country on the basis of a solid series of statistics. Subsequently, they present the legislation in force in the country in relation to abandonment, the causes of child abandonment, the good practices as well as the major problems faced by the country. These data are then analysed and compared with the situation and specific context of the country at stake. Field research was also undertaken in maternity wards, clinics or hospital pediatric units, in order to collect precise and concrete information on the causes and the context, which children are abandoned in. It can therefore reflect the number of abandoned children in relation to whom the mother left no identity, or the number of mothers, who accept to sign the necessary documents for the child's adoption before leaving the maternity ward. Data relating to the number of parents experiencing alcohol or substance abuse, and of single or adolescent mothers without family support, are also provided. Furthermore, the chart points out whether the maternity ward has prevention services, such as the presence of social workers, or whether it offers the possibility of identifying mothers, who may abandon their child.

This study has proven very interesting to gain an overview of the current European realities and practices in matters of child abandonment. Thanks to the good practices and forms of support presented, it is a source of inspiration in terms of services that may be created in order to strengthen the prevention of abandonment, which is essential for countries to address.

Source:

For further information: *Child abandonment and its prevention in Europe*, University of Nottingham, January 2012; <http://www.crin.org/docs/MANUAL%20OF%20GOOD%20PRACTICE.pdf>.



Bulgaria: «A Childhood for Everyone » - A project for the deinstitutionalisation of children with disabilities

With the adoption of the National Strategy 'Vision for the Deinstitutionalisation of Children in the Republic of Bulgaria', the government tackles the issues of children without families and outlines the different stages leading to the closure of the institutions.

In 2009, a census found that more than 7,000 children in Bulgaria were living in institutions. Some explain this tendency to institutionalisation as a result of the cultural heritage of the Soviet Union, which considered that the State itself was better equipped to look after children than their families. However, 20 years after the fall of the USSR, the institutionalisation of a too high a number of children is a problem that the government has decided to look into.

Adoption of a national strategy for deinstitutionalisation

In 2010, the government with the financial support of the Structural Funds of the European Union adopted a National Strategy: Vision for deinstitutionalisation of Children in the Republic of Bulgaria¹.

The deinstitutionalisation of children is not limited to just their withdrawal from institutions. It is a process, which consists of replacing institutional childcare by care within a family-like or community-based environment. The aim of this National Strategy is to find alternative solutions to the institutionalisation of children that are more aligned to their needs, as well as offering a higher quality social service to prevent abandonments and to support families and children.

In 2010, Bulgaria had 130 residential institutions divided into 3 categories:

- Homes for Medico-Social care - HMSC, comprising 32 homes housing 2,421 children between the ages of 0 and 3, with an average 76 children per house;
- Homes for Children without Parental Care – HCDPC, comprising 80 homes housing 3,876 children between the ages of 3 and 18, with an average 48 children per house;
- Homes for Children with Mental Disorders – HMRC, comprising 25 homes for children with a mental or physical disability housing

956 children and 420 adolescents, with an average of 55 children per house.

The Action Plan: Definition and implementation of the projects

The Action Plan's objective is the implementation of a National Strategy for deinstitutionalisation. The Plan outlines the steps and different projects to close the institutions.

It has put forward five proposals aimed at a progressive deinstitutionalisation of children placed in the three types of institutions as well as the development of foster homes and the improvement of work conditions and opportunities for the social workers.

The Plan for the deinstitutionalisation of children was developed in line with the Guidelines for the Alternative Care of Children², namely along the principle that the decisions should be based on what is the best interest of the child, the idea that a family-like environment is the most beneficial for the development of the child, and the importance of the integration of the children in society.

Project A Childhood for Everyone: Priority to the deinstitutionalisation of children with disabilities

As a priority, emphasis is placed on the deinstitutionalisation of children with disabilities. Indeed, they are the most vulnerable within the institutions and the most at risk of social exclusion. The project A Childhood for Everyone aimed to close all institutions for children with disabilities by 2014. To replace these institutions, it has been predicted that 149 family-based care facilities, which can accommodate a dozen children in each, will be constructed. The construction of new health centres and day centres, which will facilitate the integration of children in society have been envisaged.

The project also outlines the need for a personal companion for each individual child so as to



determine his specific needs. Additionally, it provides the opportunity to propose an individual action plan to study the possibilities of the child's reintegration into their family or the most appropriate solutions for their alternative care. The action plan also allows for the child's wishes and desires to be listened to and the development of a life plan with him.

On a larger scale, the Action Plan proposes a whole series of measures to facilitate the child's adjustment to everyday life. The project also provides support for families and children in cases of re-integration into their family of origin or wider activities to find and train foster families to care for a child with a disability.

Support for the children when changing where they are being cared for is very important for a successful adjustment and it lessens the trauma of separation and change. Finally, the Action Plan also foresees greater professional and training opportunities for social workers with the aim that they will be capable of providing a service adapted to the specific needs of

these children and that they will be competent in a world other than that of institutions.

Short-term achievements

A monitoring report covering 2010-2011 has already reported progress in the implementation of projects of the Action Plan, the difficulties encountered and solutions or possible improvements. With regards to A Childhood for Everyone, an advanced analysis of the conditions of 1,797 children with disabilities and their individual needs was undertaken. A National Service Card has also been created, which allows one to view the best location for the creation of residential services and support as well as giving an account of already existing services and institutions to close down.

The general trend reported in the monitoring report is that, from 2009, there has been a reduction of the number of children living in institutions as well as the reduction of the number of children in each institution³.

The ISS/IRC is pleased with the initiative taken by the Bulgarian government to propose an environment more adapted to a number of children. The National Strategy 'Vision for the Deinstitutionalisation of Children in the Republic of Bulgaria' presents a set of projects and ambitions and very detailed measures with solutions and concrete tools to be implemented so as for the rights of children without families to be respected.

In particular, the ISS welcomes the project for children with disabilities, in which the objective is in line with its projects targeting these very children (see Monthly Review N° 09/2011 and ISS projects for children with disabilities: <http://www.iss-ssi.org/2009/index.php?id=191>).

Sources:

¹ National Strategy: Vision for the Deinstitutionalisation of Children in the Republic of Bulgaria; available at the ISS/IRC.

² Guidelines for the Alternative Care of children, <http://www.iss-ssi.org/2009/index.php?id=25>.

³ See table on p. 14 of *Action Plan Monitoring Report 2010-2011*, available at the ISS/IRC.



FORTHCOMING CONFERENCES AND TRAININGS

- **France:** **a)** *Adoption: Questionner nos pratiques, apprendre de nos échecs* [Adoption: Questioning our practices, learning from our failures], COPES, Paris, 17 March 2014, six-day session; **b)** *L'accueil familial des enfants à temps complet: Rôle et dynamique du placement familial* [Full time foster care: The role and dynamics of foster care], COPES, Paris, 19 March 2014, six-day session; **c)** *Formation permanente sur le placement en accueil familial* [Permanent training on foster care], COPES, Paris, 28 March 2014, six-day session. For further information, see: <http://www.copes.fr>; **d)** *Accueillir un enfant en structure collective* [Caring for a child in a collective structure], Association Pikler Lóczy-France, Paris, 3-4 April 2014. For further information, see: www.pikler.fr.
- **Mexico:** *Child Poverty, Public Policy and Democracy*, International seminar organised by Equidad para la Infancia, CROP, FLACSO, IJ-UNAM, with the support of IFE, CDHDF, Mexico City, 19-21 February 2014. For further information, see: <http://www.crop.org/ViewFile.aspx?id=475>.
- **United Kingdom:** **a)** Specialist training organised by the Preventative Work with Children and Families Masterclass, Birkbeck College, University of London, 10-14 March 2014. For further information, see: <http://careeducationalmasterclasslimited.webstarts.com/index.html>; **b)** *Proceeding to permanence - Managing the varied demands of child care proceedings*, BAAF, London, 26 February 2014; **c)** *Fostering Resilience*, BAAF, Cardiff, 12 March 2014; **d)** *Adopted children's development over time – New research evidence on the challenges, outcomes and those placements that disrupt*, BAAF, London, 20 March 2014; **e)** *Moving forward – Foetal alcohol spectrum disorders*, BAAF, London, 26 March 2014. For further information, see: <http://www.baaf.org.uk/TRAINING/CONFERENCES>.
- **United States of America:** *5th International Conference on Adoption and Culture, Adoption: Crossing Boundaries*, Alliance for the Study of Adoption and Culture, Florida State University, Tallahassee, Florida, 27-30 March 2014. For further information, see: <http://english.fsu.edu/asac/>.



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