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EDITORIAL

In the words of adoptees

On the occasion of the publication of the Charter of adoptees¹ in France, the ISS/IRC has chosen to give voice to the adopted; a voice that is becoming increasingly stronger, more frequently sought and hopefully, more listened to.

In December 2013, the National Council of French Adoptees, whose aim is to foster the necessary dialogue between the different players and stakeholders in adoption, issued a Charter highlighting the ten priorities for domestic and intercountry adoption. This action reflects the growth experienced by adoption associations worldwide and evidenced by the Danish experience presented on page 8. These associations not only provide support services to adoptees, their families and prospective adoptive parents, but also play for some, a real role in politics.

For ethics in adoption

In the Charter, the adoptees call for the fundamental ethical principles to be complied with during the adoption process and applied on a case-by-case basis. Among them, the need to respect and in particular, apply the principle of subsidiarity, including within the receiving country, 'it is urgent to work on the situation of neglected children [born on French soil] and their adoptability'. It is recommended that the adoption be required to be undertaken through an accredited body, and that the number of accredited bodies be restricted so as to avoid unnecessary competition and rising costs. A major focus is on the pre-adoptive support of the child, 'the adoptee must not leave his country of birth if it cannot be guaranteed or proven that there was prior support for the adoption. It must be ensured that the departure is explained (...)'.¹

Respect for the rights of adoptees

'Adoption is not a humanitarian act', a phrase that from the mouth of an adoptee resonates even stronger. Adoption should focus primarily on the best interests of the adoptee and respect all of his rights: the right to have a protected childhood, to be able to build an identity and to own his story. The adoptees insist on their right to expect from their

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adoptive parents absolute sincerity, nothing should be hidden from them, they must be told the truth. As stated in this Charter, 'the life of the adopted child does not begin with the adoption; it is determined by the conditions of his birth as well as by his adoption'. Thus, adoptees claim their right to initiate proceedings and to see the intimate and personal nature of an adoption being recognised. Lastly, adoptees also have the right to be treated like other children and to be protected against any form of discrimination.

Towards greater political involvement?

Despite the expansion that an association such as the Voix des adoptés² has experienced in France - it has indeed become a key player in adoption - the fact remains that this type of association still has difficulty becoming integrated among the bodies in charge of adoption. However, their experiences and their reflection task should become part of the discussions relating to both domestic and intercountry adoption. The Charter of adoptees calls for the appointment of an adoptees' representative 'for each of the pilot sites, reflection, arbitration, decision-making processes in pre-adoption, adoption and post-adoption, or, failing that, for adoptees to be represented by an independent mediator'.

The ISS/IRC is pleased to make its Monthly Review available to adoptees in order for their views to be better heard and respected. The ISS/IRC would also like to continue this effort through the publication of other testimonies of associations for adoptees in a new section launched for this purpose: 'In the words of adoptees' (see p. 8).

The ISS/IRC team
February 2014

Sources:

¹ Available at: http://www.conseil-national-adoptes.fr/wp-content/uploads/2013/12/Charte-des-adoptes_Conseil-national-des-adoptes_7decembre-2013_tous-droits-reserves_version-numerique.pdf.

² See: <http://www.lavoixdesadoptes.com/>.

ISS NEWS

ISS launches its online shop

The ISS recently launched its website's online shop, through which you can now directly order our publications, such as *Intercountry Adoption and its Risks: A Guide for Prospective Adopters* and *Investigating the grey zones of intercountry adoptions*. To do so, please go to: http://www.iss-ssi.org/venteonline/?id_lang=1 and follow the instructions. Please do not hesitate to disseminate this information.

ACTORS

- **Armenia, Brazil, Canada (Manitoba), Colombia, Rwanda, United States of America:** These countries have updated the contact details of their Central Authorities.
- **Croatia, Haiti, Serbia:** These countries have named their Central and Competent Authorities.
- **Ireland, Romania:** These countries have updated their lists of accredited adoption bodies.

Source: The Hague Conference on Private International Law, http://www.hcch.net/index_en.php?act=conventions.publications&dtid=43&cid=69



PRACTICE

India: Working together – The benefits of an alternative care network

This short interview discusses the advantages and obstacles of networks focusing on non-institutional alternatives for children in India.

1. Can you please describe your network and how it was established?

Taskforce on Non-institutional Forms of Child

Care is a platform of a few like-minded organisations promoting various alternative family-based care practices in Odisha. This network is an offspring of a knowledge sharing workshop organised by Youth Council for Development Alternatives (YCDA) on Alternative Forms of Care for children without parental care at Bhubaneswar, Odisha in March 2010. Prior to the workshop, YCDA had piloted various alternative care programmes with the support of *Kinderpostzegels* (The Netherlands) and gained substantial experiences on the approach.

Officials from the Women and Child Development Department and UNICEF participated in the workshop and shared a great interest in the concept. It was unanimously proposed to form a Taskforce to popularise the concept in Odisha. The workshop created an opportunity to raise the profile of issues related to children living without parental care in the state. As a follow-up, a six-member committee was constituted to take this initiative forward where YCDA has been given the responsibility to explore further possibilities for working on the issue – with the Government and UNICEF.

2. What resources are needed for setting up such a network?

For any such network, the most important thing you need is committed and professional people around you to promote the concept. Simultaneously, you need capable staff to work closely with the Government and UN agencies. You need a medium range of financial commitment (say at least three to five years) to sustain the network activities.

Name: Rajendra Meher
Position: Head of Taskforce on Non-institutional Forms of Child Care
Place: Odisha, India

3. What obstacles did you face in setting up your network and how were they overcome?

This is not a project-based network where you implement programmes together with other partners. This is a network to promote a particular concept through advocacy and lobbying with Government and other policy makers. An initial obstacle was that accepting the non-institutional care approach was difficult, because everybody was tuned towards the institutional approach. Giving options or exploring other alternative forms of care was not at all a priority. Simultaneously, a lack of awareness on the whole issue was also a big challenge among various stakeholders and statutory bodies.

In the Taskforce, in the beginning, we organised a state-wide Right to Family Campaign, through which we explained to various stakeholders about the need of a loving and caring family. Lots of training and exposure programmes were organised for a wide range of people starting from Child Welfare Committees to NGOs and institutional care providers. We documented our progress/experiences and disseminated them widely. Consciously, we never say anything against institutional care.

4. How did you ensure that different actors across India would be aware of your network (and become involved, if at all possible)?

We organised a National Conference on Alternative Care in 2011 and invited key stakeholders, including Government from all states. It was a grand success. As a follow-up, and seeing the need, a 'National Alliance on Alternative Care' has formed, in which we are planning to reach out to various states. We have also facilitated the forming of State chapters



where a group of people can come and start discussing the issue and take action. We are also planning to have a dedicated website for our national alliance where we can share information and update regularly.

5. What are the main activities of your network?

Following are some of the major activities of the network:

1. Capacity-building on related topics through training and exposure;
2. Documentation and dissemination of Information;
3. Study and action research on issues related to child protection;
4. Lobby and Advocacy for influencing of policies;
5. Networking, campaign and media mobilisation.

6. What kind of achievements has your network achieved for children deprived of their family?

Following are some of our key achievements which we achieved together:

1. We were able to create strong awareness among the key stakeholders on various alternative forms of care across the country;
2. We have assisted our Government in the establishment of state guidelines on foster care and sponsorship care;
3. De-institutionalisation and family reunification programmes have been successfully started in a few pilot institutions, where the Taskforce is playing a key role;
4. Now, care providers are providing alternative options prior to the institutionalisation of children in need of care and

protection; this drastically reduced the number of children in institutions;

5. The Taskforce has opened up many areas like, family strengthening, gate-keeping, individual care plans, de-institutionalisation, etc., which were never discussed in the child protection domain before.

7. What lessons have your learnt?

The major lessons we have learned are:

1. Poverty, non-availability of a good educational system and failure of governance are the key factors responsible for the institutionalisation of children. Addressing these factors can prevent children entering into institutions;
2. There are over 75% of children staying in child care institutions, who have their biological parents. Family reunion is possible with proper counselling and family-strengthening programmes;
3. For advocacy and to influence policy, you need to have a strong field presence with a positive approach with policy makers; and
4. Transparency, good leadership, governance and commitment in the network are essential elements to sustain the network.

8. What advice would you give to others interested in setting up a similar network?

This is a very good time for us to promote the concept according to international guidelines subscribing to family-based care within various government policies. What we need to do is start working closely with Government, offering our expertise and knowledge. Initially, you can start taking few like-minded organisations and slowly expand your reach.



INTERDISCIPLINARY RESOURCES

Protecting unaccompanied and separated children from violence, exploitation, abuse and neglect in humanitarian situations

The Minimum Standards for Child Protection in Humanitarian Action, formulated in 2011-2012 by the Child Protection Working Group (CPWG), provide safeguards to protect children from separation from their families and caregivers and ensure all unaccompanied and separated children are in appropriate and protective care arrangements.

Following an emergency situation (conflict, natural disaster), children can face separation from their families and be at increased risk of violence, exploitation, abuse and neglect. They may need interim or alternative care and protection. The Child Protection Minimum Standards¹ (CPMS) offer guidance on key actions to consider with the aim of implementing effective and protective programme responses for unaccompanied and separated children (UASC).

Purpose and content of the CPMS

The CPMS were formulated by the CPWG to support child protection work in humanitarian settings, with the collaboration of 30 agencies and 40 countries around the world. The standards seek to share learning, establish common principles, strengthen coordination, improve the quality and impact of interventions, and ensure better accountability, advocacy and communication on child protection risks, needs and responses.

Each standard describes in one sentence what should be achieved in one area of humanitarian action. It suggests activities to meet the standard, provides indicators to measure what is being achieved, and offers guidance notes for further information. The CPMS are intended for use by practitioners working directly with children and their families, policy makers, academics, advocacy and communication professionals, etc.

The 26 standards are divided in four groups: the standards proposed to ensure quality child protection responses (on coordination, information management, PCM, etc); the standards that focus on particular child protection needs (as Standard 13 on UASC); the

standards supporting adequate child protection strategy design (e.g. Standard 15 on case management); and the standards designed to mainstream child protection in other humanitarian sectors.

Identification, documentation, family tracing and reunification

To prevent family separation and ensure a timely and coordinated response after an emergency, the first part of Standard 13 focuses on roles and responsibilities definition in each context, with clear and agreed methods for referral and information sharing. Unless it already exists, a common decentralised family tracing and reunification database should be set up, with multi-language registration forms and defined procedures to manage them. Moreover, it is important to train local staff to interview children with age-appropriate methods and design prevention of separation materials.

In the aftermath of an emergency, the scope, causes and risks of family separation must be carefully assessed, to prevent further separations (e.g. ensuring that children wear their names on a wristband during evacuations, or avoiding the dissemination of information that might unintentionally encourage families to abandon children). A proactive and systematic strategy should be developed to identify UASC, e.g. during distribution or in locations such as hospitals and orphanages. Furthermore, places where UASC and the parents of missing children can register must be rapidly set up, with the creation of a referral system.

Trained staff should then carry out registration (recording the child's basic data) and documentation (recording information for



tracing, assessing needs and developing case management plans), and tracing and reunification should start. Simultaneously, UASC should have access to basic services, with the organisation of interim care arrangements regularly monitored so that they are in the child's best interests. When tracing is successful, relationships should be verified, as well as the child's wishes and best interests, and follow-up should be provided.

Alternative care

The second part of Standard 13 recalls that, before an emergency, foster care systems should include contingency planning. In addition, the roles, structures and activities about alternative care should be mapped (including traditional care mechanisms) and local capacities built.

After an emergency, children's living situations should be assessed, as well as the alternative care options available. To prevent separation, assistance should be provided to vulnerable families. It is important to be sure that only the children, who need alternative care, are placed in interim care. For example, residential facilities can become a pull factor leading to family separation. Relinquished children must therefore be identified quickly and reunited with their caregivers, if it is safe for them.

Care arrangements should be developed and frequently monitored, prioritising family-based care options in the community and keeping together sibling groups. A care plan is to be developed for each child as quickly as possible, in consultation with the child. Then, the child's

situation must be systematically monitored and no permanent decision about his care arrangement must be taken as long as there is a chance of tracing his family (and never within the first year of tracing).

Finally, Standard 13 emphasises that decisions on long-term care should only be taken through a judicial, administrative or other recognised procedure, and based on the child's best interests assessment. Alternative long-term care options include adoption, formal foster care or supported independent living for older children, but intercountry adoption should only be envisaged where stable in-country solutions are not available.

Conclusion

Along with these recommendations on key actions to consider, Standard 13 offers guidance and examples on practices tested in the field and selected for their relevance and broad applicability in humanitarian situations, so as to effectively prevent separation and protect UASC. Together with other standards, and in line with the general principles of the Convention on the Rights of the Child, it seeks to guarantee UASC's right to life, survival and development, taking into account the best interests of the child, encouraging humanitarian practitioners to identify, monitor and tackle discrimination patterns, and ensuring a safe and meaningful participation of children in all decisions that affect their lives.

Source:

¹ *Minimum standards for child protection in humanitarian action*, Child Protection Working Group (CPWG) (2012), <http://cpwg.net/minimum-standards>.



IN THE WORDS OF ADOPTEES

Testimony of the first organisation for young adoptees in Denmark

Ina Dulanjani Dygaard, Chairman of the Danish association Adoption & Society – Youth shares the experience of the association and its great developments since its creation in 2007.

1. Could you explain the nature of your project and the circumstances of its origins? At what stage is it now?

Name: Ina Dulanjani Dygaard
Function: Chairman of the board
Organisation: Adoption & Society - Youth
Place: Denmark

The organisation was founded in 2007 by Jeppe Valentin. For several years, many adoptees in Denmark felt there was nowhere to go. No sanctuary. It was difficult to gather all the adoptees, but in 2007, around 40 adoptees spent a weekend together, and suddenly Adoption & Society – Youth was founded. In 2011, I became the chairman of the board, and since then, the organisation has grown. We organise events twice a year, where we spend a whole weekend together. Our focus is to create a sanctuary for adoptees, where they can talk about their own story, about being adopted and mixing it with interesting 'lectures' about adoption. We are now a real organisation, and we are being used as 'experts' in the Danish media and by adoption agencies, etc. As the chairman of the board, I am very proud that Adoption & Society – Youth has grown and is known all around Scandinavia.

2. Which and how have other adopted persons joined the project?

Our organisation is for adoptees between the ages of 15 and 30. I have observed a kind of domino effect: members get their adopted friends to join the organisation.

3. Which are the potential difficulties/barriers/resistance you face in the implementation of your project? How have you overcome them?

Being a relatively new and the first organisation for young adoptees in Denmark, one of the difficulties has been to bring the adoptees together. We are putting great efforts into trying to let the adoptive families know about us. We know there are a lot of potential members all across the country, but one of the difficulties is to

make them aware of us. What we do is try to make a lot of advertising. I give speeches at different events, I have

been on television and in many newspapers and magazines. At the moment, we are working on a new flyer and a new website. The problem is and will always be about the financial aspect. Because of the decreasing numbers of adoptions, every foundation, organisation and agency must save money. So even if we just are an organization for young adoptees, we feel the pressure.

4. What are the objectives in the short and medium term that you are targeting as an association of adopted persons?

In the short and medium term, we are targeting the development of our organisation. It has taken two years to create a solid foundation and now we are ready to take the next step. We are ready to form the organisation and be a stronger participant in the 'adoption world'. And, of course, to organize a lot of great events for our members. Development is the keyword for our organisation in the future.

5. Which activities have you put in place or are you planning to implement in the framework of your project (conferences, publications, discussions, etc)?

We have already been used as experts in the media, and we will still continue to do so in the work of keeping the debate balanced. We have joined different conferences in Denmark and at the Faroe Islands, and we are talking about trying to gather all the young adoptees from Scandinavia. But that will be at some point in the future! By joining all these events, we are getting a stronger voice in the debate, we are slowly being respected by all the different parties. And that is great! It makes me proud as the chairman of the board!



6. Do adoptees have a role and can they participate in the adoption system of your country? Does it match your expectations? If this is not the case how do you imagine this could be improved?

Our Central Authorities are trying to create some kind of talk groups in Copenhagen. Otherwise, they will refer to us. Our biggest wish is for the Danish CAs and politicians to take us more seriously, i.e. that they would give us the professional help we need in the form of post-adoption services. The Danish parliament took a huge step by giving these services six million Danish kroner a year! That is amazing. What is not amazing is that they will still not offer us any help. The young and adult adoptees are still left with a system, which cannot take care of us, because of the lack of knowledge. So my biggest wish would be to have post-adoption services for every adoptee! Then it would match my expectations.

7. Do you feel that the voice of adopted persons is heard in your country and beyond?

Yes, I feel in many cases that we contribute with a lot – and that many people appreciate it. We are experts in this matter. We live with adoption

as our living condition every day. We know how it feels.

8. What messages would you like to send to our readers?

Adoption is a sensitive issue. It is about children, and it must always be about the best interest of the child. In Denmark, some voices are talking about the right of the biological parents and the adoptive parents. But why, when it should be about the child? Always listen to the child. The adoption world in Denmark is under a lot of pressure. Two scandals in the media turned everything upside down. It has been really difficult to be an adopted person in the last two years. We are all recovering from it. Trying to be better, trying to keep the standard and morals high. We are not perfect and we cannot make everything right. But we are fighting for a better system and better conditions. It is my dream that some day we will reach our goal. We will be better! My dream is that Adoption & Society - Youth will be the biggest and most successful organisation for young adoptees – also when I am no longer the chairman of the board. I hope my work, and the organisation can help other adoptees in the future.

ISS ACTION WORLDWIDE

Immigration and adoption: The perspective of ISS's Correspondent in Spain

About a hundred children are identified each year in Spanish airports or on its coasts, accompanied by, for example, a woman, who says she is their mother but who cannot evidence it. The competent bodies and the Red Cross work together to take measures that make it possible to know their identity, but this is not always possible.

The Law on Immigration (Ley Orgánica sobre Derechos y Libertades de los Extranjeros en España y su Integración Social, amended in 2009¹) regulates the conditions for the transit of children in Spain. This legislation states that, if the security forces of the State find an unaccompanied child without documentation, 'the Public Prosecutor will transfer him to the child protection services of the Autonomous Community of his location'. When their identity and place of origin are unknown, they are placed

under the guardianship of a public body and they are considered subject to regularisation.

Trafficking and smuggling networks use babies as a migration strategy in order to avoid the repatriation of the women and facilitate their access to Europe

Even though the requirements for the airport transit of children are clear, 'there are gaps in the compliance with the legislation', as explained by Carlos Chana García, Head of the Spanish Red Cross's programme for the reestablishment of



family contact, which is also ISS's Correspondent in Spain. 'The legislation of each country, the way the child got access to the territory, the Border Authority and even the airlines have an impact, given that some are more sensitive than others to this issue'.

'On some occasions, the children are also used as part of the families' and the human trafficking networks' migration strategies. The offences through which they do so are varied'. Sometimes, they enter with false parents through the airports, given that the true ones have already reached the country they wish to establish themselves in. On other occasions, there are couples or single women, who arrive on dinghies or by boat on their own with a baby that is allegedly theirs, but sometimes it is not their own but has merely been entrusted to them by the human trafficking and smuggling mafias, which act in the background. Child protection organisations estimate that, only in Spanish airports, the Police identifies at least 50 such cases each year.

The Red Cross considers that the requirements are clear for the transit of children on the Schengen territory, which one may move freely on if one has entered legally into one of the countries of this space. This organisation states that 'the difficulties appear when applying the procedures, and the most vulnerable are the young children, who are involved in migration processes. Many end up in the child protection system and, sometimes, years later, a woman shows up saying she is their mother, at a time when the child may already have been adopted'.

According to Carlos Chana, for years 'it has been rare for cases of child exchange for money to happen in Spain. Here, there are mechanisms to detect risk cases through the social services. Furthermore, intercountry adoptions comply with very clear processes in Spain, and the situation in countries of origin is very much monitored. There may be cases – for example in Tibet or Ethiopia – where the families do not fully understand that they will be deprived of all their rights in relation to their children when relinquishing them for adoption. They believe that they will give them a

better life, but do not understand that they will no longer be their children. This process is debatable'. Other cases, in which the children in transit do not have the safeguards they should, are those of separated couples, where one of them is a foreigner and takes the children away without authorisation.

Situations of risk linked to the transit of children

In 2013, 398 children, who arrived at the Spanish coasts illegally, were cared for by the Red Cross. He adds that there are 'signs, evidenced by several sources, that some transfer cases of children by adults without documentation hide activities that are directly linked to the illegal smuggling of children and human trafficking'. Thus, the Police, upon a request by the Prosecutor Coordinator of Immigration Issues and the Prosecutor for Children, issued an order in February 2013 on 'the actions to be undertaken when detecting foreign unaccompanied children or children at risk'; since the latter, these children are 'identified and registered on the registry of foreign unaccompanied children of immigration bodies'.

Jesús Palacios, a Psychology Lecturer at the University of Seville and an expert in adoption, mentions that there also remain risks in intercountry adoption: 'There are countries in which there is no civil registry or in which children are registered at age eight or nine. The child does not exist; this allows for the creation of a false identity and for the establishment of a maternal parentage for him.

Another situation of risk in the transit of children is natural disasters or massive displacements of persons. Thousands of children are on the streets and must not be declared adoptable until it has been ascertained that they are orphans or that nobody in their family or community is available to care for them'. Even though all the experts agree on the fact that the risk for illegal adoption is at a minimum in Spain with the current legislation, this is not the case in other parts of the world.

The HC-1993 states when a child may be adoptable and when not, and the data reflect the great number of cases in which these rules are



not complied with. ISS's study *Investigating the grey zones of intercountry adoptions* (2010) mentions that those adoptions that are undertaken in accordance with the HC-1993 in the top 10 countries of origin do not reach 30%. The remaining adoptions are undertaken without any safeguards. Palacios explains that 'this is information of concern and that the problem is that the pressure of the demand has generated a pressure of the offer ready to satisfy it'. 'There are still countries, such as the U.S.A., in which adoptions are independent, without the intervention of public bodies that control the processes'.

José Ignacio Esquivias, a Prosecutor in the Civil and Family section of the Office of the Public Prosecutor of Madrid and an expert in intercountry adoption, warns that 'those persons, who wish to adopt, must take into account not

only that Spain has a law, which regulates these adoptions, but also that the country in which they wish to adopt has adhered to the HC-1993'. If they turn towards other countries, they risk not being able to be granted a recognition of the adoption in Spain, in accordance with our legislation, in addition to not being ensured that the child is adopted with full guarantees for him'. In some cases, in which this is not done, the Judges and Public Prosecutors usually accept them in a legal form that is similar to a care order, 'because – as stated by Esquivias – they must be given a legal coverage, and in order not to sever the bond created and leave the child in the hands of institutions. However, the problems faced by the families are considerable, because the child is neither theirs legally, nor does he have their surname'.

Reference:

¹ Ley Orgánica sobre Derechos y Libertades de los Extranjeros en España y su Integración Social (Organic Law on the rights and freedoms of foreigners in Spain and their social integration).

FORTHCOMING CONFERENCES AND TRAININGS

- **Belgium:** **a)** *Identité chromatique: Leurre ou réalité?* [Chromatic identity: Illusion or reality?], Octoscope ASBL, Brussels, 9 May 2014. For further information, see: www.octoscope.be.
- **France:** **a)** *L'observation du bébé par les professionnels de la petite enfance, Fondements théoriques et cliniques* [The observation of the baby by early childhood professionals – Theoretical and clinical foundation], COPES, Paris, 7 April 2014. Duration: 6 days; **b)** *La construction des familles adoptives* [The building of adoptive families], COPES, 9 April 2014. Duration: 6 days. For further information, see: <http://www.copes.fr>.
- **India:** *Institutionalised children: Seminar on standards of care and mental health*, Udayan Care, Amity University, NOIDA, 14-15 March 2014. For further information, see: http://udayancare.org/seminar-journal/mhs_home.html.
- **United Kingdom:** **a)** *Adopted children's development over time - New research evidence on the challenges, outcomes and those placements that disrupt*, BAAF, London, 20 March 2014. For further information, see: <http://www.baaf.org.uk/training/allvents/2014-03-20t000000-2>; **b)** *Making Good Adoption Assessments*, BAAF, Bristol, 2-3 April 2014, London, 10-11 April 2014. For further information, see: http://www.baaf.org.uk/webfm_send/3491.

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