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Children Deprived of their Family

# Monthly Review

## EDITORIAL

### The fuss about numbers, goals and indicators...

*This Editorial highlights the importance and challenges of having accurate data about children deprived of their family or at risk of so being, ideally included in the global discussions about SDG indicators.*

**W**ithout doubt, numbers and indicators can be quite revealing about who we are and needs, for example body mass index, age and years of experience. Equally the lack of such figures can raise questions concerning health status and qualifications. Similarly, in child protection matters, particularly for those working in alternative care and adoption, existing or lacking data may disclose or conceal certain realities and challenges that children face.

#### Sustainable Development Goals (SDGs)

After three years of (intense) negotiations, the importance of numbers and qualitative indicators reached universal attention with the adoption of the 17 [SDGs](#) by the United Nations last month. With 169 specific targets as part of the '[Transforming Our World - The 2030 Agenda for Sustainable Development](#)', interrogations arise about the feasibility of effectively addressing the breadth of the topics covered by these goals and targets, from poverty to health to climate change to violence against children. The additional challenge will be to agree on global indicators, now standing at over 300 by March 2016.

#### Missing data

Whilst these goals and targets are admirable, especially the aim that 'no-one is left behind by global development' – it is likely that children without parental care will be one of the most vulnerable groups forgotten, due to inadequate measuring mechanisms. Despite systematic recommendations by the Committee on the Rights of the Child to improve the situation, the great majority of countries do not have reliable data collection systems or means to do so. Even when there is political will and data systems are in place, many efforts are at a regional level and often data collection is divergent, therefore a national overview is challenging. Programming and resource allocation can therefore be extremely testing when exact needs are unknown. Moreover, one of the many benefits of having disaggregated statistics is that it provides a *de facto* measure that the principle of subsidiarity is being implemented in adoption matters.

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## Adoption trends

In this context as per its annual tradition, ISS has collected available statistics on the numbers of intercountry adoption – based on the statistics from receiving States (see p. 5). Yet, missing from these overall figures is the detail. From our experience, there are over-estimates of children with adoption plans, given that the majority of children living in institutions have a living parent and are solely in the institution due to poverty. Likewise, some children are declared adoptable without a proper legal and psycho-social assessment (e.g. director of the institution) or may even be falsely declared adoptable without parental consent or use of illicit measures. Paradoxically, there are under-estimates of numbers of children, who could have adoption plans. Many children are never considered for adoption due to discrimination such as children with disabilities (see p. 10) or from certain ethnic groups or where national policies are inadequate (see p. 8).

## Call for action

To ensure that children without parental care remain high on the SDG agenda amidst thousands of competing interests, a call for action led by the LUMOS Foundation via a joint open letter to the UN Statistical Commission has been prepared with over 30 organisations, including ISS as a co-sponsor. The letter to the UN Expert Group states: ‘All children count, but not all children are counted. As a result, some of the world’s most vulnerable children – those without parental care or at risk of being so; in institutions or on the street; trafficked; separated from their families as a result of conflict or disaster; or recruited into armed groups – have largely fallen off the UN’s statistical map. There are only limited data about how many children live in such precarious circumstances, except for scattered estimates from some specific countries’.

**ISS sincerely hopes that the UN Statistical Commission takes on board the two main recommendations to ‘ensure that children living outside of households and/or without parental care are represented in disaggregated data’ and to ‘improve and expand data collection methodologies to ensure all children are represented’.**

The ISS/IRC team, October 2015

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## ACTORS

- **Belgium and Switzerland:** These countries have updated the contact details of their Central Authorities.

*Source:* The Hague Conference on Private International Law,  
[http://www.hcch.net/index\\_en.php?act=conventions.publications&dtid=43&cid=69](http://www.hcch.net/index_en.php?act=conventions.publications&dtid=43&cid=69).

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## BRIEF NEWS

### Ongoing consultations and development of a Global Partnership to End Violence Against Children

Within the context of the newly-adopted SDGs (see *Editorial* for further information of the latter), a Global Partnership is being currently developed aimed at ending violence against children. Indeed, the SDGs set the framework for the development of such a partnership given that governments called for multi-stakeholder partnerships to play a central role in mobilising and sharing knowledge, expertise, technologies, and financial resources to support the delivery of the SDGs, in this case of SDG 16.2 (End abuse, exploitation, trafficking and all forms of violence against and torture of children). The Partnership would enable all partners in this fight to work together, and intends to operate at global and national level (building the political will and enabling countries to prevent and address violence more effectively) and as a movement (aimed at changing attitudes and social norms). An initial consultation, which the ISS network participated in, has been undertaken amongst stakeholders in order to gather views and inputs as to the scope, strategy and design of the partnership. Forthcoming phases of the consultation are planned for the end of 2015 and the Partnership’s launch is expected to take place in January 2016. ISS welcomes and fully supports this initiative as it is a truly global alliance and a number of synergies with ISS’s work have been identified.

For further information, see: <http://16-2endviolenceagainstchildren.org>.



## Entry into force of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption in the Ivory Coast and Zambia

The HC-1993 entered into force in the Ivory Coast and Zambia on 1 October 2015. Both these countries had acceded to the latter on 11 June 2015, during the Special Commission on the practical operation of the HC-1993. This is a significant step for the protection of the rights of children deprived of a family in these countries, through the establishment of an intercountry adoption system that is supervised, has a framework and is in line with the fundamental principles of the HC-1993. However, this process of compliance requires legal and procedural adjustments, which both these countries are currently focusing on.

New standards relating to the alternative care of children in public or private institutions as well as new intercountry adoption procedures are currently being drafted in the Ivory Coast, and the need to establish new intercountry adoption procedures has been raised; these provisions – once finalised – will have to be supported by the training of the professionals and authorities involved. In Zambia, new regulations aimed at those institutions caring for children were adopted in 2014, and aim to promote family preservation as well as reintegration in cases of separation; this is an important step forward, which requires, however, the availability of appropriate resources. Zambia's strengthening of its child protection system, as well as, as highlighted by the Zambian government, the review of its laws, regulations and procedures in relation to adoption, remain necessary in order to allow for the positive implementation of the HC-1993.

The ISS/IRC calls upon all receiving countries – with the potential support of expert organisations – to support both these countries in these reforms, and suggests not undertaking any intercountry adoption before the legal and procedures reforms, as well as appropriate training, have taken place. Whilst the entry into force of the HC-1993 is essential, it is not the only aspect that ensures strict ethical practices in intercountry adoption.

Sources: The Hague Conference on Private International Law, [http://www.hcch.net/index\\_en.php?act=conventions.status&cid=69](http://www.hcch.net/index_en.php?act=conventions.status&cid=69), and U.S. Department of State, <http://travel.state.gov/content/adoptionsabroad/en/country-information/alerts-and-notice.html>.

## LEGISLATION

### Use of bilateral agreements in intercountry adoptions

*The ISS/IRC welcomes this contribution presenting the statement by the Swedish delegation concerning bilateral agreements at the recent the 2015 Special Commission – a subject that has been given little attention but has potentially huge implications, and is therefore of great importance.*

The Swedish Intercountry Adoptions Authority (MIA) was, in 2014, commissioned by the Swedish Government to analyse the advantages and disadvantages for Sweden of concluding bilateral agreements with countries of origin regarding intercountry adoptions. MIA reported back to the Government in March 2015. The report has been translated into English, and can be found on MIA's website<sup>1</sup>. Since this issue can be of relevance for others in this meeting, we would like to present MIA's position on the matter. It should be emphasised that it is also the position of the Swedish Government.

#### How the mandate was undertaken

Information and experiences from different actors was gathered, domestically as well as internationally. Within Sweden, we consulted, amongst others, the Swedish accredited organisations and the organisations of adoptees. At international level, we were in contact with the Permanent Bureau of the Hague Conference, ISS and UNICEF. We also sent questionnaires to both, States of origin and receiving States, both Hague countries and non-Hague countries. We also visited three Central Authorities in receiving States.



## Report conclusions – General observations

In recent years, various sources have claimed that it has become increasingly common for States of origin to request that bilateral agreements be concluded between the State of origin and the receiving State. However, in the contacts we have had, views are divided on this issue. In the case of the Central Authorities of receiving States, some have not experienced any increased demand for bilateral agreements, while others have.

According to our contacts, the actual occurrence of bilateral agreements is not that widespread. In our study, we also found that the States of origin seeking bilateral agreements are located in different parts of the world and have different reasons for their request.

As mentioned, MIA's mandate was to analyse the advantages and disadvantages for Sweden of concluding bilateral agreements. Among other aspects, the analysis was to include an assessment of potential consequences for the operation of the HC-1993, both for Sweden and the international community. Furthermore, the consequences for the child should, according to the Government's decision, be thoroughly observed.

## Report conclusions – Advantages and disadvantages

We were able to observe that there are potential advantages with bilateral agreements, insofar as the adoption process can be clarified and streamlined.

However, there are also disadvantages. There is a risk that bilateral agreements cement a partnership between countries. It can be very difficult for a country of origin to escape that role, and it may result in a country of origin experiencing pressure to put children up for adoption. If this risks resulting in biological parents not receiving the support they would otherwise have received in order to be able to keep their children, or that the principle of subsidiarity is not taken into consideration seriously enough in the country of origin, this entails risks for the rights of the child as well as the rights of his biological parents. In situations where very young children are subject to intercountry adoption, it is reasonable to question

whether there sufficient time has been spent to investigate the child's background and the possibilities for a domestic adoption.

If the purpose of an agreement is to 'meet the demand' for children in the receiving countries, this is very serious. According to our conclusions, this represents a clear threat to the rights of the child as well as to the rights of the biological parents.

## Report conclusions – When could a bilateral agreement be considered?

Based on the analysis in our report, we generally deem that the disadvantages of entering into bilateral agreements with States of origin that have not acceded to the HC-1993 to outweigh the advantages from a child-rights perspective. Such agreements should only be considered if very significant reasons exist in each individual case. In this event, the agreements should then comply with the fundamental principles of the HC-1993 in order to ensure an adoption procedure of equal standards and similar to the HC-1993. It is inappropriate to conclude an agreement that does not comply with, or indeed works against, these principles, for example by including requirements of financial assistance to the State of origin.

In the case of States of origin that have acceded to the HC-1993, bilateral agreements should be able to be considered if the aim is to improve the application of the HC-1993. In doing so, it is important not to derogate from any provisions other than the ones stated (Articles 14–16 and 18–21), and only for the purpose of improvement.

## The necessary framework to ensure that bilateral agreements do protect children's rights

If a bilateral agreement is to be considered – regardless of whether or not both parties have acceded to the HC-1993 – an in-depth analysis of the impact on children and the rights of the child is required. The purpose of adoptions is always for children to have parents, nor for parents to have children. The starting point when considering entering into an agreement must therefore be that children, who cannot find parents in their own country, shall be able to find parents in a receiving country. However, it is also important to consider other issues of concern from, *inter alia*, a child-rights perspective.



If countries are to enter into a discussion about a bilateral agreement, it is important to define issues that strengthen the rights of the child. This may relate to the preparation of the child and issues that make it easier for the child to trace his

origins. Nevertheless, we have not received any information to indicate that issues of this type have been included in agreements in practice, or have even been up for discussion.

**The HC-1993 has had a high level of accession. The States that have not yet done so should be encouraged to accede to the HC-1993, once they have adapted their legislation and administrative system to it. This is preferable to bilateral arrangements. It is the Swedish opinion that it is important not to undermine the HC-1993, which has been widely accepted and represents an international standard in the field of adoption. On the contrary, joint efforts should be undertaken to maintain the HC-1993's standing and improve its application. This is best achieved through multilateral cooperation and information exchange.**

**Reference:**

<sup>1</sup> MIA, *Commission Concerning Bilateral Agreements on Intercountry Adoption – Report to the Government, 2015*, <http://www.mia.eu/Documents/Report%20to%20Swedish%20Government%20March%202015%20-%20Commission%20conc%20bilateral%20agreements%20on%20intercountry%20adoption.pdf>.

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**PRACTICE**

**2014 statistics: Confirmation of two major trends**

*The ISS/IRC has undertaken its annual collection of the intercountry adoption statistics of the top receiving countries and countries of origin, and offers below a brief overview as well as an analysis of the latter.*

The year 2014 confirms two major trends in intercountry adoption (ICA): a global decrease in intercountry adoptions, which initiated in 2004 and has constantly been confirmed in the years since, and the noticeable change in the profile of children adopted internationally. Thus, except for Sweden, all receiving countries have recorded a new decrease in ICAs in 2014. Given the absence of statistics relating to Italy – the top second receiving country until then – and the changes in the collection of statistics relating to Germany (see fn. 4), the ISS/IRC is only able to provide an estimation of the global decrease, *i.e.* about 20% in comparison with 2013. Furthermore, the statistics relating to countries of origin (COs) are also lower than in reality given the lack of the Italian data. This decrease is due to a complex combination of social, political, economic and legal factors, of which some are mentioned below (see Monthly Review N° 192 of June 2015). In addition, those children with special needs, who are adopted internationally, are increasingly numerous, even though the statistics are more

difficult to obtain and to analyse, including due to the absence of a harmonised definition of ‘special needs’. Examples of COs, which promote these adoptions, such as Peru, Lithuania or Vietnam, to mention only a few, are becoming more common.

Receiving countries	2011	2012	2013	2014
U.S.A. <sup>1</sup>	9,319	8,668	7,094	6,441
Italy	4,022	3,106	2,825	n/a
France	1,995	1,569	1,343	1,069
Canada <sup>2</sup>	1,785	1,367	1,242	905
Spain	2,560	1,669	1,188	824
The Netherlands	528	488	401	354
Sweden	538	466	341	345
Switzerland <sup>3</sup>	367	314	280	226
Germany <sup>4</sup>	934 (579)	801 (420)	661 (272)	209
Belgium <sup>5</sup>	360	265	219	144
Norway	297	231	154	142
Denmark	338	219	176	124
Australia <sup>6</sup>	215	149	129	114
<b>Total</b>	<b>23,258</b>	<b>19,312</b>	<b>16,053</b>	<b>-</b>





## Countries of origin under constant change

COs are experiencing significant developments, which result, for most of them, in a decrease in the number of children entrusted for ICA. This decrease has been particularly important in Russia (77% in comparison with 2013) due, in particular, to the interruption of adoptions with the U.S.A.<sup>8</sup>; Ethiopia, which is focusing on the development of family solutions at local level, with some of the country's regions having suspended intercountry adoptions<sup>9</sup>; Brazil, where several reforms are ongoing, including the development of a national adoption register; and Colombia, which has implemented, since 2011, the principle of subsidiarity in a much stricter manner. An important decrease is also noticeable in the DRC, which extended the suspension of ICAs declared in 2013 – a situation that is resulting in considerable difficulties for transition files, and has caused intense negotiations for a few months between some receiving countries and the Congolese authorities. To a lesser extent, the decrease in ICAs from China has continued, due, in particular, to new, additional and more restrictive eligibility criteria (increase in the required number of years of marriage, the applicants' higher income and their available net assets). Furthermore, given China's economic boom, there has been a decrease in the number of abandoned children, in addition to the relaxed single-child policy<sup>10</sup>.

On the contrary, very few COs have recorded an increase in the number of children entrusted for ICA; these include South Africa and South Korea, where the HC-1993, which was signed in 2013, still has not come into force. The special law on adoption, which has been in force in this country since 2012, provides for the involvement of tribunals, with their adjustment to the new procedure providing an explanation for the drop in ICAs between 2012 and 2013. In 2014, it is possible to observe some 'sense of normalcy' with, however, a lower number of ICAs due to, according to the Korean organisation TRACK, several positive factors linked to the new law, such as an increasing number of mothers, who decide to keep their child. Similarly, ICAs in Haiti have experienced an increase (+16% over one year). Beyond the significant steps forward

Countries of origin	2011	2012	2013	2014
1. China	4,098	3,998	3,316	2,734
2. Ethiopia	3,144	2,648	1,933	975
3. Ukraine	1,054	713	674	560
4. Haiti	142	262	460	551
5. South Korea	920	797	206	494
6. Philippines	472	374	525	405
7. Russia	3,017	2,442	1,703	381
8. Colombia	1,522	901	562	355
9. Bulgaria	259	350	421	323
10. Vietnam	620	216	293	285
11. India	688	362	298	242
12. DRC	339	499	580	240
13. Thailand	258	251	272	207
14. Uganda	219	246	289	203
15. South Africa	120	81	147	176
16. Nigeria	218	238	225	175
17. U.S.A.	97	178	167	155
18. Taiwan	311	291	188	147
19. Ghana	107	172	188	128
20. Poland	304	236	332	106
21. Latvia	116	59	131	96
22. Hungary	154	145	104	77
23. Central African Republic <sup>7</sup>	19	43	73	44
24. Mali	154	127	4	36
25. Brazil	359	337	246	31

brought about by the Law of 2013 (see Monthly Review N° 177

of November-December 2013 and N° 183 of July 2014), the situation remains confusing in this country with regards to transition cases, initiated either before the entry into force of the 2013 Law, or of the HC-1993 in 2014. In addition, this country continues to require support in terms of training of professionals and authorities on the new standards relating to adoption, in particular the introduction of full adoption.

Finally, many COs have initiated important legal reforms relating to adoption and alternative care, such as Ghana (drafting of guidelines on adoption and foster care that are currently ongoing), Bulgaria (2014 regulations on the ICA procedure) or the Philippines (2013 regulations on foster care).

These trends, noticeable in an increasing number of COs, reflect their clear willingness to promote domestic long-term family solutions, such as domestic adoption, in compliance with international principles, such as the principle of subsidiarity. The ISS/IRC welcomes this progress and persistently supports COs in this direction.



## Constant evolution in the profile of children adopted internationally

In parallel to the global decrease in ICAs, the profile of adoptable children continues to change, even though, unfortunately, precise statistics in this regard remain insufficient. France – and Italy in previous years – are the few receiving countries that provide such statistics. Thus, in France, 63% of those children adopted internationally in 2014 had special needs, as was also the case in 2013 (in comparison with 52% in 2012 and 35% in 2011). In addition, France states that 35% of these adoptions related to children over the age of five years, 22% to groups of siblings and 26% to children with a illness.

As for COs, only very few provide statistics in this regard, India being one of them: 235 Indian children adopted internationally in 2014 had special needs, in comparison with 196 in 2013 and 168 in 2012. Statistics reflecting a similar trend for China, Latvia, Lithuania and Albania were published by Peter Selman on the website of the Permanent Bureau of the Hague Conference<sup>11</sup>. Such developments highlight the progress made by COs – several of them are now able to offer permanent family solutions to an increasing number of children. However, it entails an adjustment in the procedures and, in particular, in the stages relating to the preparation and follow-

up of children and of the potential adoptive parents to the profile of the children – an issue, in relation to which the Monthly Review often offers resources and thoughts.

## Sufficiently supported intercountry adoptions?

Even though all Contracting States to the HC-1993 have reiterated the benefits of this Convention at its 20<sup>th</sup> anniversary (see Monthly Review N° 192 of June 2015), the number of HC-adoptions remains insufficient. Indeed, in 2014, 5,743 ICAs were undertaken in HC-countries, *i.e.* 53% of the total of ICAs – a proportion which, albeit increasing, should be higher.

Furthermore, it is worth welcoming the entry into force of the HC-1993 in five COs between 2014 and 2015 – a significant step forward for these countries, which – now more than ever – require support from all countries to strengthen their child protection and adoption system and train their teams. South-South cooperation projects are therefore a valuable tool, as well as common approaches amongst receiving countries, which remain limited in relation to various aspects. On the other hand, ICAs are still being undertaken in a considerable number of non-HC COs (Uganda, Nigeria and Ukraine), where the socio-political context does not ensure transparency in the procedures.

**Faced with a decrease in ICAs and the noticeable evolution of the profile of children adopted internationally, the latent competition generated by such a context calls for considerable vigilance from countries, in order to ensure the respect for international standards and prevent any bad practice. To comply with the needs of countries of origin and to provide each child with the family that is most suitable to respond to his characteristics are at the heart of intercountry adoption, and it is in this spirit that all of us, as intercountry adoption actors, must work in our daily tasks.**

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### Sources:

Central Authorities for adoption matters and other governmental bodies; Permanent Bureau of the Hague Conference on Private International Law. For further details, please contact the ISS/IRC.

### Notes:

<sup>1</sup> Fiscal year: 1 October 2013 – 30 September 2014.

<sup>2</sup> For 2011 and 2012, these numbers were made available by the Canadian Central Authority; for 2013 and 2014, this total is based on the statistics of the Hague Conference.

<sup>3</sup> This number does not include relative adoptions. From 2011 to 2013, these numbers were provided by the Swiss Central Authority, and for 2014, they are based on the statistics of the Hague Conference.

<sup>4</sup> Until 2013, the number of adoptions accounted for related to those adoptions of children of foreign nationality undertaken by German agencies and accredited bodies; it excluded private adoptions but included those adoptions of children with foreign nationality and habitual residence in Germany (domestic adoptions in accordance with the



HC-1993). As the German Central Authority informed the ISS/IRC that there are no official nor exact statistics regarding intercountry adoption, the ISS/IRC therefore decided to use the statistics published by the Hague Conference.

<sup>5</sup> As from this year, the ISS/IRC has included Belgium in its statistical overview.

<sup>6</sup> Fiscal year: 1 October 2013 – 30 September 2014.

<sup>7</sup> The children from the Central African Republic have only been adopted by French citizens.

<sup>8</sup> See U.S. Department of State, *FY 2014 Annual Report on Intercountry Adoption*, 31 March 2015, [http://travel.state.gov/content/dam/aa/pdfs/fy2014\\_annual\\_report.pdf](http://travel.state.gov/content/dam/aa/pdfs/fy2014_annual_report.pdf): only four ICAs were undertaken from Russia during the fiscal year (see *Supra* 1).

<sup>9</sup> See MAI, <http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/comment-adopter-a-l-etranger/les-fiches-pays-de-l-adoption-internationale/fiches-pays-adoption/article/adopter-en-ethiopie> and U.S. Department of State, <http://travel.state.gov/content/adoptionsabroad/en/country-information/alerts-and-notice/ethiopia15-05-08.html>.

<sup>10</sup> 'Des exigences accrues et des délais d'attente augmentés', *Le Devoir*, 12 September 2015, <http://www.ledevoir.com/societe/actualites-en-societe/449898/des-exigences-accrues-et-des-dela-is-d-attente-augmentees>.

<sup>11</sup> 'Twenty years of the Hague Convention: a Statistical Review', Peter Selman, 2015, [http://www.hcch.net/index\\_en.php?act=conventions.publications&dtid=32&cid=69](http://www.hcch.net/index_en.php?act=conventions.publications&dtid=32&cid=69).

Several countries, like 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.

## **Bolivia: Causes of abandonment and responses – The challenges linked to the establishment of a culture of domestic adoption**

*Anne-Marie Piché, a Professor of Social Work at the University of Quebec and Researcher in the field of intercountry adoption, has focused her interest on situations of development of alternative care solutions within communities in developing countries. She undertook a field study of adoption in the city of Cochabamba, Bolivia, in 2014<sup>1</sup>.*

The number of abandoned children or children deprived of family care has increased dramatically in Bolivia over the past few years. Given this situation, civil society organisations in Cochabamba are trying to develop a culture of domestic adoption. Based on their experience in child development, these organisations try to identify and support Bolivian families, who care for children without a family, and carry out campaigns that value the adoptive family as a positive model. In this context, the field study undertaken by A-M Piché gathered information on the implications of undertaking domestic adoptions in this country.

### **The circumstances leading to abandonment and the obstacles to family preservation**

Cochabamba – which is Bolivia's third urban centre – is experiencing extremely rapid growth due to the migration from rural areas, where employment is becoming rare. It appears that

mothers often abandon their children when they search for employment in neighbouring countries, leaving the latter in institutions, which are often over-crowded<sup>2</sup>. Bolivian legislation does not condemn child abandonment<sup>3</sup> but prohibits abortion, except in cases of rape or serious illness of the mother. However, a legal reform has recently been set up<sup>4</sup> in order to better support abandoned children. Those child protection actors, who were consulted in the framework of the study, complained, nonetheless, about the slow speed of the progress in enforcing every child's right 'to grow up in a family'.

Furthermore, the children's reintegration in their environment of origin faces gaps at several levels. According to the study, this fundamental stage is often overlooked. In addition, it often appears to be difficult due to the arduousness of the issues within the family (addictions, violence), and their reluctance to keeping the child. Work to support and strengthen the families is, however,





undertaken by local NGOs, in a context of absence of governmental prevention policies in this regard. According to these organisations, interventions with these families are undertaken at three levels: support to the mothers before the child is abandoned, actions for family reintegration that are guided by assessments and intensive professional support following the notification of serious family difficulties and, finally, efficient coordination between the State and civil society organisations for the undertaking of adoptions. The intervention, fully assumed by local NGOs, aims to find the most stable family placement as possible for the child.

### **The predominance of institutional placements and obstacles to the declaration of adoptability**

Children's homes and orphanages remain the main environments offered to Bolivian children without family support, as NGOs face difficulties to find foster and adoptive families prepared to adopt them. In Cochabamba, only about one hundred children appear to be able to find a family to care for them each year<sup>5</sup> – a very low number compared to the 3,600 children currently living in public or private institutions<sup>6</sup>, often with insufficient resources<sup>7</sup>. According to the national census<sup>8</sup>, 20,000 children were living in orphanages in 2010 in comparison with 9,200 in 2001. One of the major obstacles to the identification of a permanent family life project for these children is the children's legal status determination. As many of them have no birth certificate – either because they have never had done, or because they have lost it when they left their home or were abandoned – it is difficult to be granted official recognition of their *de facto* abandonment by the judicial authorities and to assess their potential adoptability.

**Despite the very high number of children requiring a stable placement in the region of Cochabamba, very few manage to find a family, due to complex factors of an institutional, legal, political and socio-cultural kind. The main actors working on placements in the region are partners in the undertaking of any adoptive placement, but only the government (Departmental Social Management Service, SEDEGES) has the power to carry out their assessment and to undertake their adoption at legal level. They must therefore reconcile their diverging understandings with regards to the needs of abandoned children, and bring together their interpretations of Bolivian legislation, in order for a family environment – whether of origin, a foster placement or an adoption – to be the most systematic solution and one that is promptly established.**

### **The creation of a culture of domestic adoption through awareness-raising**

The alarming increase in the number of child abandonments in Bolivia could come from the very slow awareness process of Bolivian society in relation to human development and children's rights. In addition to the structural obstacles for the undertaking of family placements, an important awareness-raising task is taking place within the communities, in order to transform the negative image still linked to parenthood through adoption. In addition to this negative cultural context, there is strong pressure imposed on not-for-profit community organisations to find families for these children. Partnerships have developed amongst the latter (for example, the ASHONA association) in order to influence the development of a culture of adoption and children's rights. In order to promote Bolivian applications for adoption, measures are offered: adoption of a child without any costs, the possibility to adopt for single persons, awareness-raising campaigns, etc. According to the NGO Infante<sup>9</sup>, adoption must be promoted as any other means to build a family, and the negative aspect that is still linked to the adoption of a non-relative child must be dismantled – *i.e.* the belief that it is impossible to love a child that does not come from oneself or the shame linked to a couple's infertility. As for intercountry adoption, even though it is provided for in law, it remains limited in practice, in particular due to a very restricted number of accredited adoption bodies that are authorised to undertake adoptions in Bolivia. As a reminder, Bolivia has prohibited independent adoptions, in line with international standards<sup>10</sup>.



## References:

- <sup>1</sup> Piché, A.-M. (2015). *Les défis de l'adoption domestique en Bolivie*. (Submitted for publication; available at: <http://professeurs.uqam.ca/professeur?c=piche.anne-marie>).
- <sup>2</sup> CARITAS Bolivia (2014): <https://www.caritas.ch/fr/nos-actions/dans-le-monde/enfants/>.
- <sup>3</sup> Salazar La Torre, C.S., Escalante, E.C., Abularach, K.V. et al. (2011), *Análisis de la situación actual de los niños y niñas privados del cuidado de sus padres y en riesgo de perderlo*, Aldeas Infantiles SOS Bolivia, 245 pp. <http://www.aldeasinfantiles.org.bo/media/147285/crsa-bolivia.pdf>.
- <sup>4</sup> *Código de la Niña, Niño y Adolescente*, Ley 548, Estado Plurinacional de Bolivia (2014), La Paz, Bolivia, <http://www.justicia.gob.bo/index.php/noticias/notas-de-prensa/1371-gobierno-boliviano-promulga-nuevo-codigo-de-la-nina-nino-y-adolescente>.
- <sup>5</sup> *Supra* 2.
- <sup>6</sup> Infante (2015), *Infante Promoción Integral de la Mujer y la Infancia* is a civil society NGO, which recruits and prepares families to care for children. See: <http://infante.com.bo>.
- <sup>7</sup> *Supra* 3.
- <sup>8</sup> *Supra* 3.
- <sup>9</sup> *Supra* 6.
- <sup>10</sup> See U.S. Department of State, <http://travel.state.gov/content/adoptionsabroad/en/country-information/alerts-and-notices/bolivia13-26-4.html>; UNICEF, 'En l'absence d'un environnement protecteur, la vie est difficile pour les enfants', 10 June 2009, <http://www.unicef.ca/fr/press-release/l%E2%80%99unicef-en-l%E2%80%99absence-d%E2%80%99un-environnement-protecteur-la-vie-est-difficile-pour-les-enfa>; UNICEF, Annual Report 2013, [http://www.unicef.org/about/annualreport/files/Bolivia\\_COAR\\_2013.pdf](http://www.unicef.org/about/annualreport/files/Bolivia_COAR_2013.pdf).

## INTERDISCIPLINARY RESOURCES

### New tools for parenting adopted children with special needs

*The Adoption Council of Canada (ACC) released three monographs, completing the series 'Towards special needs parenting: Working together towards success', which began with four videos in 2013. The videos have been created from presentations, interviews with workshop participants and summaries of theme group discussions.*

In 2012, social work researcher Alice Home conducted a study, through interviews with 18 families, three parent associations and five social workers, on parenting adopted children with special needs. The four videos<sup>1</sup>, which were made before the monographs, address the following subjects: working together across boundaries, Stakeholder study (interview findings), advocating for children with disabilities and ways forward. Each of the three monographs (short booklets) which complete the videos, offers practical information on challenges, issues and strategies, as well as a resource list for parents, professionals and service providers. The second video and first monograph are also available in French via the ACC website.

#### Monograph I<sup>2</sup>: What's going on? Disentangling children's disabilities and getting the right support

This first booklet of the series explains the difficulty of families of children with

special needs (including adopted children) to receive adequate support considering the high needs and costs. It focuses on the issues in learning what is happening and getting support, and then in moving forward. The monograph explains why getting a timely assessment is difficult. It identifies three issues:

- Rationed public services, long delays, reluctance to seek assessment and for adopted children, difficulty in distinguishing disabilities from attachment trauma, even if pre-adoption courses were given.
- Once the assessment is made, finding the right service in time is not so easy. Often, the services focus on the child and not the parents, who also need care. The author also mentions the fact that some parents, specially adoptive parents, are reluctant to seek help because they do not want to be judged. Post-adoption services are not always available if the child's special needs were not identified prior to the adoption.



Study participants named some supports that help most: contacts with similar families and certain professionals, as well as wrap-around approaches.

- To move forward, we need to raise public awareness and to educate professionals about disability and adoption issues. Practical pre-adoption courses and post-adoption services are essential. Parents need to be informed first on how to deal with the possible future challenges and then supported in doing so. Professionals, parents, social workers and researchers need to work together. Like the other monographs, this booklet ends with a list of associations, books and documents for parents as well as children.

### **Monograph II<sup>3</sup>: Advocacy for children with disabilities: issues and strategies**

Advocacy is a process, which defends the rights of a person by giving efficient, step by step and structured solutions. Solving problems concerning children with disabilities at a personal level can help others facing the same problems. Many years ago, parents had to fight for access to education, group homes and employment preparation and training for their children with disabilities. According to the author, today the focus is more on improving the quality of social support, on achieving inclusion and accessibility. Discrimination (through childhood and adult life) as well as stigma and limited access to education is one of the main concerns that parents with children with disabilities face.

Parents need to advocate for these concerns, but they lack resources to do so and face difficulties in finding professionals, who understand how they feel and their struggles with the system. Parents agree that the best support comes from other parents facing the same difficulties. Together they know their rights and

potential support better and, as a group, have more power to address discrimination and influence organisations that provide services and support to children and families.

The author explains that advocacy will be different from one person to another, because the needs are not the same. In planning advocacy, the following steps must be taken: identifying the needs, determining who can provide what is needed, determining when to act, understanding what action is required to get what is needed and finally accessing the appropriate information to influence decision makers. Advocacy can be long or short-term. Disability advocates can also work to revise policies and can collaborate with governments.

### **Monograph III<sup>4</sup>: Addressing culture and disability in special needs adoption: Challenges and strategies**

Families, who adopt children with special needs from another culture often do not have time or energy to deal with their cultural needs. Therefore, they lack the opportunities to give their children the needed education about their culture. For example, in certain cultures, extended family, including the entire community, is essential. Even after adoption, these ties should be maintained even when parents are coping with difficult disability needs. Both adoption preparation and adequate post-adoption services are crucial to help families facing cultural and disability needs. The monograph concludes in mentioning that, in addition to this preparation and support, there should be: specialised services and subsidies through new partnerships between disability, child welfare and cultural groups, 24-hour peer support and emergency line where parents with experience can offer advice, a single website and cultural mentors and support groups.

**The ISS/IRC welcomes these very concrete publications, and recommends them to all parents and professionals. They can be downloaded free of charge. It is very interesting to highlight the importance of an accurate definition of the needs in order to find solutions. The helpfulness of adoption preparation, post-adoption services and support groups is emphasised.**

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#### **References:**

<sup>1</sup> Videos at: <http://www.adoption.ca/special-needs-parenting>.

<sup>2</sup> Monograph I – Home, A., *What's Going On? Disentangling Children's Disabilities and Getting Support*, <http://www.adoption.ca/uploads/Image/Monograph1-Alice-FINAL.pdf>.



<sup>3</sup> Monograph II –Carter, I., *Advocacy for Children with Disabilities: Issues and Strategies*, <http://www.adoption.ca/uploads/Image/Monograph2-Irene-FINAL.pdf>.

<sup>4</sup> Monograph III – Warren, R., *Addressing Culture and Disability in Special Needs Adoption: Challenges and Strategies*, <http://www.adoption.ca/uploads/Image/Monograph3-Rachel-FINAL.pdf>.

## Assessment report of the implementation of the Guidelines in Sub-Saharan Africa

*In the framework of this report, eight Sub-Saharan countries have been assessed in relation to their implementation of the Guidelines, and have provided the basis for reflection on common progress and challenges in this process and for a series of recommendations to move forward.*

**Drumming together for change**<sup>1</sup> is a useful and interesting example of assessment and progress-tracking of the implementation of the Guidelines for the Alternative Care of Children at national and regional level. Indeed, the Centre for Excellence for Looked After Children in Scotland (CELCIS), the University of Malawi and Care for Me! (SOS Children's Villages International) developed this report on the basis of eight assessments of the implementation of the Guidelines in Benin, Gambia, Kenya, Malawi, Tanzania, Togo, Zambia and Zimbabwe.

### Implementation of the Guidelines at a key time

As mentioned in our Monthly Review N° 189 of February-March 2015, the Guidelines recently celebrated their fifth birthday, and have now overcome the initial newborn challenges and have achieved considerable autonomy and progress in their implementation. The present report is therefore a means of providing a picture of this initial stage of implementation in Sub-Saharan Africa.

Indeed, the results of the assessments undertaken in the above-mentioned countries have enabled, not only, to understand the challenges and achievements at national and regional level, but also, based on common situations and findings in these countries, to develop advocacy messages to further promote the implementation of the Guidelines and create an adequate environment to support this process.

### Common findings

The report reflects a series of challenges that are common in the countries initially assessed, and which should be given priority in the processes of reform and improvements of alternative care systems. These include:

- *The insufficient provision of prevention services*, which remain primarily funded by non-governmental organisations, and provided with poor coordination. Thus, the children and families most at need of support have not been fully benefiting from the principles and standards enshrined in the Guidelines;

In Zambia, up to 50% of children could be reintegrated with their family with adequate funding.

- *The lack of formal care and excessive burden on informal forms of care*: The most common form of formal alternative care in these countries remains residential care, with varying degrees of quality, often provided by non-governmental organisations, thus under limited control and supervision. This again was contrary to the standards promoted by the Guidelines

For example, for example, in Kenya, only 48,478 children out of 2.6 million orphans (in 2012) were placed in formal care.

relating to the consideration of the individual needs of the children in the selection of the most appropriate form of care;

- *The protection of children at risk*: Given the previously-mentioned lack of registration, monitoring and supervision, children in alternative care could be at high risk of abuse and other forms of violations of their rights.

In Togo, 50% of institutions were not registered with the authorities.





### Common advocacy messages

Based on the above findings, the report issues a series of messages to further promote the implementation of the Guidelines in the countries assessed and in the region. Indeed, it includes solution-based recommendations to guide governments in improving implementation and

roadmaps for the latter, and calls upon all relevant actors to implement them. Indeed, the report reflects on and addresses the challenges faced all in the region in the implementation of the Guidelines, and how to foster an environment that facilitates and improves their implementation.

**Having provided a picture of the implementation of the Guidelines in eight Sub-Saharan African countries, this report is certainly a step forward in fostering an understanding of the situation and the challenges of their implementation at national level. It is also a positive and useful tool to reflect on what actions may be undertaken by various actors in this regard in order to move forward in the process of implementation.**

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#### Reference:

<sup>1</sup> Chiwaula, L., Dobson, R., Elsley, S., *Drumming Together for Change: A Child's Right to Quality Care in Sub-Saharan Africa*, Glasgow: SOS Children's Villages International, CELCIS at the University of Strathclyde, University of Malawi, 2014. Full report and executive summary available at: [http://www.celcis.org/resources/entry/drumming\\_together\\_for\\_change](http://www.celcis.org/resources/entry/drumming_together_for_change).

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### FORTHCOMING CONFERENCES AND TRAININGS

- **Chile:** *V Seminario Internacional - La adopción: Una opción permanente a la luz de la ley de garantía de derechos de niños, niñas y adolescentes*, RELAC-ADOP (Red Latinoamericana de Cooperación en el Ámbito de la Adopción et al. (with the cooperation and participation of ISS), Santiago, 4 December 2015. For further information, see: <http://www.hbusiness.cl/seminarios/v-seminario-internacional/>.
- **Germany:** *International Conference on Shared Parenting 2015 – Best practices for Legislative and Psycho-Social Implementation*, International Council on Shared Parenting (ICSP), Bonn, 9 – 11 December 2015. For further information, see: [http://twohomes.org/en\\_conference\\_2015](http://twohomes.org/en_conference_2015).
- **India:** *Improving standards of care for alternative child and youth care – Systems, policies and practices*, Call for papers until 1 December 2015, Udayan Care, Noida, 18 – 19 March 2016. For further information, see: <http://udayancare.org/uccon2016/index.html>.
- **New Zealand:** *Fifth International Conference on Adoption Research (ICAR5)*, Auckland University of Technology, Auckland, 7 – 11 January 2016. For further information, see: <http://www.icar5newzealand.com/>.

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