



Monthly Review

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EDITORIAL

Available 2015 statistics: A new perspective on the numbers...

Whilst the 2015 intercountry adoption numbers continue to reflect the trend initiated in 2005, a series of recent research contributes to offering a new perspective on these data and on those relating to alternative care.

Having statistics on children in alternative care and adopted children is essential to the assessment of the merits of the decisions made in their interests, to the planning of the reforms needed for a genuine consideration of their rights and their unique needs. This year, the ISS/IRC suggests analysing these numbers by looking at these in a different way.

More visibility for children in alternative care?

One year after the adoption of the Sustainable Development Goals (SDGs) (see Monthly Review No. 195 of October 2015 and No. 198 of January 2016), which include the concept in accordance with which nobody should be forgotten, have children in alternative care gained visibility? Strictly speaking, the reply is negative, given that the SDG indicators do not include the issue of alternative care. In order to offer a remedy to this gap, and to make these children more visible, over 250 organisations have launched the international campaign *All children count, but not all are counted* (see p. 8), in order for every child to appear in the statistics. Once this goal is achieved, how should these data then be compared amongst the various countries with a view to improving practices? This is a challenge assumed by the TransMonEE database, established in Central and Eastern Europe and the Community of Independent States, and which aims to expand to other regions in the world (see p. 8).

Furthermore, will this exercise consist in establishing new databases or rather take advantage of the data that is already available, *e.g.* through population census¹ or other information systems, such as the global study on violence against children (see p. 10)? Would making use of these numbers not be part of the response (*e.g.* current number of child-headed households or children placed with their extended family, such as in Namibia (see p. 5))? In the absence of such indicators, the *Tracking Progress* tool (see Monthly Review No. 189 of February-March 2015) intends to support countries in their identification of the data that must be compiled in order to assess the compliance of a child protection system with international standards and, if not compliant, to initiate the needed legal and practical

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Receiving country	2011	2012	2013	2014	2015
USA ¹	9,319	8,668	7,094	6,441	5,648
(Italy)	4,022	3,106	2,825	n/a	n/a
Canada ²	1,785	1,367	1,242	905	895
France	1,995	1,569	1,343	1,069	815
Spain	2,560	1,669	1,188	824	799
Sweden ³	538	466	341	345	336
Germany ⁴	934 (579)	801 (420)	661 (272)	209	308
Netherlands	528	488	401	354	304
Switzerland ⁵	367	314	280	226	197
Belgium ⁶	360	265	219	144	136
Norway	297	231	154	142	132
Denmark	338	219	176	124	97
Australia ⁷	215	149	129	114	83
Total	23,258	19,312	16,053	-	-

reforms. This tool will soon be launched in various pilot countries.

More visibility with regards to the evolution of applications in accordance with the decreasing number of intercountry adoptions?

It has now been 10 years since we started witnessing a consistent decrease in intercountry adoptions (see boxes): is this observation also true in terms of applications? These numbers – when they do exist – are less visible. However, these data are essential for receiving countries to adapt their system of delivery of suitability certificates and to manage the flow of applications. Thus, Spain^{II}, in its report on child protection, mentions the evolution of intercountry adoption applications between 2010 and 2014, which

reflects a decrease in approximately 80%. Similarly, Belgium’s French-speaking Community mentions a decrease in registrations for the process of adoption preparation, due, in particular, to a realistic and responsible speech on intercountry adoption through various means^{III}. Let us be clear: it is not a matter of drawing a bleak picture of intercountry adoption, but rather to support the applicants in self-determining their project and to confront it with the complex reality of this process, which requires a considerable availability of the prospective adoptive parents (see p. 7).

In addition to the increasing percentages of children with special needs placed for intercountry adoption^{IV}, would it not be interesting to describe the practices developed by receiving countries in response to this development, such as the adjustment of more specific assessment and preparations stages in relation to the applicants (see Monthly Review No. 191 of May 2015) or the support offered to adoptive families, e.g. in health and education issues (see Monthly Review No. 202 of May-June 2016)? As highlighted by Johanne Lemieux, it is incumbent upon receiving countries to ‘*support the adoption of a child with the genuine interest and care in ensuring the best possible conditions in terms of the preparation of the parents and professional resources*’ (see p. 12).

More visibility with regards to the breakdowns in intercountry adoption?

Even though these remain less visible, some numbers relating to breakdowns in intercountry adoption are starting to arise in the intercountry adoption statistical reports, such as in the USA^V, or in those on child protection, such as in Spain^{VI}. These numbers – even though they remain incomplete and difficult to make use of, in particular due to the absence of a definition and of a harmonised system of compilation of these data – reflect progress in the willingness to better prevent and support these sensitive situations at human level, but also politically and legally. To address this issue with transparency is essential to move forward

Country of origin	2011	2012	2013	2014	2015
1. China	4,098	3,998	3,316	2,734	2,817
2. Ethiopia	3,144	2,648	1,933	975	543
3. South Korea	920	797	206	494	406
4. Colombia	1,522	901	562	355	359
5. Philippines	472	374	525	405	354
6. Ukraine	1,054	713	674	560	339
7. Vietnam	620	216	293	285	287
8. Bulgaria	259	350	421	323	262
9. Haiti	142	262	460	551	236
10. India	688	362	298	242	233
11. Dem. Rep. Congo	339	499	580	240	229
12. Russia	3,017	2,442	1,703	381	210
13. Uganda	219	246	289	203	208
14. Latvia	116	59	131	96	189
15. South Africa	120	81	147	176	172
15. Thailand	258	251	272	207	172
15. Taiwan	311	291	188	147	172
16. Nigeria	218	238	225	175	163
17. USA	97	178	167	155	160
18. Poland	304	236	332	106	107
19. Ghana	107	172	188	128	93
20. Hungary	154	145	104	77	84
21. Brazil	359	337	246	31	32
22. Mali	154	127	4	36	25
23. Central African Republic ⁸	19	43	73	44	15

towards greater success in intercountry adoptions – a challenge taken up by the ISS/IRC through its drafting of a professional handbook aimed at all intercountry adoption actors, and which many experts from varied geographical and professional backgrounds have kindly agreed to contribute to.

The compilation of data aimed at making every child – and the vulnerable situation affecting their life – visible is a fundamental element of the implementation of the rights of the child. These data are the first step forward towards the adjustment of laws, policies and practices to the needs of those, who hold tomorrow’s world.

The ISS/IRC team
November 2016

References:

^I Demographic and Health Surveys (DHS).

^{II} *Boletín de datos estadísticos de medidas de protección a la infancia*, Boletín No. 17, Datos 2014, p. 89. Available at: http://www.observatoriodelainfancia.msssi.gob.es/productos/pdf/Estadistica_basica_de_proteccion_a_la_infancia_17.pdf.

^{III} *Rapport d’activités (2014-2015)*, Direction de l’Adoption, Autorité centrale communautaire, pp. 12 and 13.

^{IV} E.g. France: 2015: 66% (including 41% of children over the age of five, 22% of groups of siblings and 25% of children with health problems) vs. 63% in 2013 and 2014, and 53% in 2012. Statistics available at: Mission de l’adoption internationale, <http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/la-mission-de-l-adoption-internationale/les-statistiques-de-l-adoption/article/consulter-les-statistiques-2015-de-l-adoption>.

^V Fiscal year 2015: *Annual Report on Intercountry Adoption*, US Department of State, p. 5. Available at: https://travel.state.gov/content/dam/aa/pdfs/2015Annual_Intercountry_Adoption_Report.pdf.

^{VI} *Boletín de datos estadísticos de medidas de protección a la infancia*, Boletín No. 17, Datos 2014, p. 100.

Notes on the statistical tables:

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

Noting diverse collection methods, ISS encourages that statistics be collected uniformly within a country using the same standardised framework each year in order to have one national figure that is truly representative and coherent.

¹ Fiscal year: 1 October 2014 – 30 September 2015.

² For 2011, 2012 and 2015, the statistical data was provided by the Canadian Central Authority; for 2013 and 2014, the data come from the statistics provided by the Hague Conference on Private International Law.

³ Swedish Central Adoption Authority, MIA.

⁴ Until 2013, the number of adoptions reflects the number of adoptions of children of foreign nationality undertaken by German agencies and accredited bodies, excluding private adoptions but including the adoptions of children of foreign nationality with habitual residence in Germany (domestic adoptions in accordance with the 1993 Hague Convention). Given that the German Central Authority has mentioned to the ISS/IRC that there are no official and exact statistics relating to intercountry adoption, the ISS/IRC has decided to use the data published by the Hague Conference for the year 2014. In 2015, we used the website of the *Statistisches Bundesamt*, whose numbers exclude relative adoptions (see <https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Soziales/SozialeLeistungen/KinderJugendhilfe/Tabellen/Adoptionen2015.html>).

⁵ These numbers do not include relative adoptions. Between 2011 and 2013, the numbers were provided by the Swiss Central Authority, whilst those relating to 2014 are statistics published by the Hague Conference. As for 2015, the numbers are from the Federal Statistical Office.

⁶ As from 2014, the ISS/IRC has included Belgium in its statistical presentation. For 2014, the numbers reflect the statistics published by the Hague Conference, and for 2015, we used the numbers of Belgium’s Central Federal Authority. The latter are divided into: 88 adoptions undertaken by the Communities, 19 adoptions, in relation to which the parents already had an adoption decision prior to settling in Belgium, and 29 adoptions, in relation to which the adoptive parents (of which at least one had Belgian nationality) had their residence abroad. It is worth mentioning that these numbers are different from the total amount of the data provided by the French-speaking

and Dutch-speaking Central Authorities, which amounts to 179 adoptions.

⁷ Fiscal year: 1 October 2014 – 30 September 2015 (see <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129553828>).

⁸ According to our sources, the children from the Central African Republic were only adopted by French and American citizens.

Several countries, like 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. As for Germany and Switzerland, we do not have any information as to the adopted children’s origins.

ACTORS IN THE FIELD OF ADOPTION AND CROSS-BORDER PROTECTION

- **Kyrgyzstan:** After submitting its instrument of accession on 25 July 2016, the 1993 Hague Convention entered into force in Kyrgyzstan on 1 November 2016.
- **Serbia:** After its accession to the 1996 Hague Convention on 15 January 2016, the Convention has entered into force in the country on 1 November 2016.
- **Turkey:** On 7 October 2016, Turkey signed and submitted its instruments of ratification to the 1996 Hague Convention, which will enter into force on 1 February 2017.

Source: Hague Conference on Private International Law, <https://www.hcch.net/en/latest-updates1> and <https://www.hcch.net/es/news-archive/details/?varevent=526>.

BRIEF NEWS

USA calling for comments on proposed rules to amend requirements for accreditation of agencies and approval of persons to provide adoption services in intercountry adoption cases

For those working with US accredited adoption bodies in both, countries of origin and in the USA, new regulations are currently under review for promulgation. The US Central Adoption Authority, within the Department of State, has worked over several years to fine-tune their legislation with the aim of making it more 1993 Hague Convention-compliant. The proposed rules will, among other objectives, require ‘country-specific authorisation’, standards related to fees and the use of foreign providers. In addition, ‘the proposed rule enhances standards related to preparation of prospective adoptive parents so that they receive more training related to the most common challenges faced by adoptive families, and are better prepared for the needs of the specific child they are adopting’. It also introduces a ‘mechanism to submit complaints about adoption service providers available to complainants even if they have not first addressed their complaint directly with the adoption service provider’.

For further information, see: <https://www.regulations.gov/document?D=DOS-2016-0056-0001>.

building on the **Momentum** International alternative care conference 3 to 5 October 2016

With 400 participants, over 30 leading experts in plenaries and three working languages, the *Momentum* conference in Geneva was the international event for alternative care professionals. The 42 poster presentations greatly facilitated learning from both grass-root organisations and ongoing international initiatives as well as networking. Likewise, a number of thematic side meetings were held, such as on children on the move, children with disabilities, childnomics as well as funding streams analysis. Given the calibre of presenters, filming for the Massive Open Online Course on Alternative Care also started during the conference. All presentations were motivating and stimulating, confirming practical ways to implement the Guidelines for the Alternative Care of Children, seven years on. Realistically, the conference likewise identified remaining challenges, such as violence against children, limited resources, upscaling isolated initiatives to have nationwide impact and most importantly, how to include the voice of children. Lumos self-advocates were particularly inspiring, challenging the audience with the closing statement that ‘*we can assure you, the quickest way to find the child’s happiness is by including him or her in the decision making process*’.

A summary of the conclusions, PowerPoint presentations, poster presentations briefs, photos during the event and other

information can be found at : <http://www.alternativecaregeneva2016.com/>.

Fosts



Partners



LEGISLATION

Namibia: The new Child Care and Protection Act 2015 to better regulate and strengthen alternative care and adoption

On 29 May 2015, Namibia adopted the Child Care and Protection Act¹. The latter brings significant improvements to the existing child protection system, putting it in conformity with the provisions of the UNCRC, the Guidelines for the Alternative Care of Children and the 1993 Hague Convention, which entered into force in the country on 1 January 2016.

The *Child Care and Protection Act 2015* is a very extensive law covering different aspects relating to children's rights. The Act foresees, for instance, the establishment of a National Advisory Council on Children, a Children's Ombudsman and a Children's Fund. The Act further regulates the placement and monitoring of children living in alternative care, including kinship, foster and residential care as well as children living within child-headed households. It also covers domestic and intercountry adoptions. More generally, the Act aims to prevent and respond to the neglect, abuse, exploitation and trafficking of children. It also includes protective measures in cases the children's health or wellbeing might be at risk.

Support to families and state grants

In recent years, the Namibian Government has greatly expanded the coverage of public grants. A total of 181,033 children have been able to benefit from one of the existing child grants (state maintenance grant, child disability grant, foster parent grant, residential grant and short-term emergency grant or assistance in kind), by June 2015, which constitutes 19% of all children in Namibia. However, given the general lack of awareness regarding these grants, the Act gives

precise instructions and conditions on how to receive such support.

Strengthening of kinship care and child-headed households

Kinship care arrangements, including informal adoptions, are very common in Namibia since most families make their own arrangements for children, who are no longer living with their birth parents. However, these kinship care systems appear to be under strain due to poverty, the high numbers of orphans and the low levels of financial public support. According to the Act, kinship caregivers may now benefit from a grant similar to foster carers. Kinship placements must be established by a court order or by a kinship care agreement, registered with the clerk of the Children's Court, whose terms are defined in the Act. Furthermore, the responsibilities of the kinship caregiver, the termination of kinship care agreements and the resolution of disputes are regulated in the Act.

Moreover, the Namibian legal system recognises child-headed households as a form of alternative care and regulates them. Recent census identified more than 7,000 households headed by 18-year-olds and younger children. The Act provides, in particular, under what conditions these households may be recognised

by the Minister and be eligible for public maintenance grants. They must function under the general supervision of an adult appointed by a Children's Court, by the Minister or by a non-governmental organisation appointed by the Minister.

Foster and residential care

In early 2009, the Ministry of Gender, Equality and Child Welfare (MGEWCW) paid foster care grants for almost 14,000 children. Few data on children fostered by non-relatives exist. However, the numbers are estimated to be small. With the Act, foster care is now regulated and shall comply with certain standards. Indeed, a foster care placement, as well as its termination, must be planned by a Court order. Furthermore, foster carers must be assessed by a social worker and are registered for a period of three years. In addition, the number of children placed in a foster family shall not exceed six.

Regarding residential care, there seems to be an increasing pressure on care facilities, as shown by their increase from nine in 2002 to 42 in 2008; only half of them are registered and only one is government-operated.

In 2008, a total of 1,008 children were known to be living in institutions. According to an MGEWCW assessment, less than 20 % of these residential facilities are qualified to provide care and support to children in need. In this regard, the Act provides for minimum standards related, for instance, to the management, registration, inspection and closure of so-called places of safety, places of care, early childhood development centers, shelters, children's homes and child detention centers.

Adoption

Before the entry into force of the 1993 Hague Convention on 1 January 2016, Namibia had no legal framework relating to intercountry adoption. Now, domestic and intercountry

adoptions are regulated by the Act, which is compliant with the principles and safeguards of the 1993 Hague Convention. In particular, it defines the different steps of a domestic adoption procedure, which would also apply to intercountry adoptions, if not contrary to the 1993 Hague Convention (e.g. respect of the principle of subsidiarity), and requires a registry of adoptable children and prospective adoptive parents. Furthermore, the necessary consents may not be given before the child's birth. The Act gives the Minister authority to further regulate the application of the intercountry adoption procedure, in particular with regards to the accreditation of adoption bodies, the child's adoptability and the eligibility requirements for the adoption candidates.

Specific cases involving intercountry adoptions

In order to prevent potential abuses and illicit practices, a child leaving the Namibian territory following the appointment of a guardian for the child – non-relative and non-resident in Namibia – is made impossible without concluding an intercountry adoption.

For relative adoptions or adoptions by a candidate becoming the adoptive parent jointly with the child's biological parent, the intercountry adoption procedures must be complied with, if adoption applicants are habitual residents in a contracting State. In such cases, the Minister may dispense with certain requirements if this would be in the child's best interests. The adoption of a child habitually resident in Namibia by a prospective adoptive parent resident in a non-Contracting State may be authorized, should prospective adoptive parents be family members, have a pre-existing relationship with the child or if the child has special needs that can only be catered for in the country of habitual residence of the prospective adoptive parent.

The ISS/IRC commends Namibia for adopting such a comprehensive child protection law. The decrees that will allow the Act's effective implementation are currently being worked on. However, it is very encouraging that due importance is given to 'prevention and early intervention services' aimed at preserving family structures through the necessary support, and in order to avoid unnecessary separations.

Reference:

¹ Available at: <http://www.lac.org.na/laws/2015/5744.pdf>. See also: UNICEF Namibia, Annual Report 2015, available

PRACTICE

Belgium: Collective awareness-raising sessions as part of the preparation for prospective adoptive parents

In this article, Eliane de Rosen, Coordinator of the collective awareness-raising team of the French-speaking Belgian Central Authority, introduces us to the second element of a preparation course that allows prospective adoptive parents to better understand the issues of adoptive parentage and to build a realistic and responsible adoption proposal.

The group awareness-raising sessions take place in a context, in which adoption is recognised as a form of child protection and parentage. This awareness-raising is part of a preparation system, which includes three elements (information, group awareness-raising and individual awareness-raising) – a framework put in place in 2005 by the French-speaking Belgium Central Authority, one of whose tasks is to organise and control the whole adoption process, in domestic and international adoptions. It is part of a preventative approach through the pooling of basic knowledge and the transmission of analysis charts to help grasp the complexity of the attachment process.

Why ‘sensitising’? Why ‘collective’?

Let us remember that the word ‘*sensitising*’ comes from the field of photography; in this field, we sensitise a plate, or make it sensitive to the action of light. How does this relate to adoption? The prospective adoptive candidates will certainly not be sensitive to light but rather to the indisputable effects of abandonment among adopted children. This element will also raise awareness as to the psychological, family and relationship issues in adoption, help them look beyond themselves and feel closer to the situation and the experiences of the child, who could be placed with them. They are asked to ‘put themselves in the child’s shoes’. The problem, as such, is not the adoption but the wounds that could have resulted from that initial act in the child’s background.

For its part, the term ‘*collective*’ explains the format, which has been deliberately chosen for this particular work. It takes place in a group – led by two independent and external psychologists – because, despite the fact that this format can intimidate some, who have difficulties speaking in front of others, the benefits are numerous:

- It allows the group to confront a wide range of representations (by constructing and deconstructing, by being enriched by each others’ accounts), supports an interactive dynamic, through the sharing of experiences and understanding. It is an opportunity to put into practice the old saying ‘two heads are better than one’;
- The group offers diversity in the make-up of family profiles (same-sex parents, heterosexual parents, single parents) while enabling, regardless of the particularity, support structure, which constitute a common denominator in attachment issues and ‘help to grow’.

We are not talking about a course as such, but about work methods, which allow exploration of, within a relatively secure context, into what the child or the future parents may experience.

An insufficient but necessary period of time for this ‘experiential journey’

Some applicants say ‘*Three times four hours...!*’, whilst others say ‘*Only three times four hours...!*’. Undoubtedly, we do not all have the same feeling of time. That said, it is noticeable that, after eleven years of operation and with the assessments of prospective adoptive parents, this time period appears both insufficient

Some comments from the sessions

‘It would be good to open these meeting to those birth parents, who would like to participate’

‘Further consideration should be given to outstanding issues’

‘There should be an occasional opportunity to take stock, a ‘framed’ exchange on the issues of parenting’

‘It allows discussion of issues, which would otherwise be “forgotten”’

and necessary in order to allow the fruition of their respective projects. During these meetings, there will be:

- *metaphors* (visible or invisible luggage, trekking, bridges, etc.), which are used to illustrate the awareness of respective histories, which interweave and require the 'knitting' of an attachment bond;
- *resources* that prospective adoptive parents discover for themselves during interactions, their limitations, together with all that is useful to decode and to deal with the behaviour and reactions of the child, who will test the strength of their parental attitude;
- *going back and forth between personal experience and theoretical contributions*. In order

This is not aimed at dramatising or trivialising these moments of development and intense sharing, but simply an opportunity to provide tools in order to think and also to heal, and, if necessary, to build ties in the company of professionals who, year after year, remain fully enthusiastic.

TransMonEE: A data initiative to make 'invisible' children visible

The ISS/IRC warmly welcomes this contribution by Siraj Mahmudlu and Lori Bell¹ describing the importance of collecting data to help with better planning and implementation of children's rights.

History and purpose

Recently, 175 organizations from all over the world issued an Open Letter to the UN Statistical Commission and Inter-Agency Expert Group on Sustainable Development Goals (SDG) Indicators, entitled *All children count but not all children are counted*. The paper stressed the need for current mainstream data collection processes to better capture and track progress for children deprived of parental care *i.e.* those in state care – who are largely missed in national household survey exercises.

UNICEF has had this same concern for decades. Surveys, a key source of data for SDG monitoring, produce some of the most reliable data on children. Surveys do not, however, cover people not living in households – and are only conducted periodically.

That is why TransMonEE was established: to encourage countries to routinely collect, analyse and share data on different aspects of child rights realisation, including on deprivation of parental rights and institutionalisation, with the purpose of making tangible changes in the lives of affected children.

to enlighten and develop, to act and react, to understand, to portray in real terms the background of the child, the severances, the weaknesses and the role of parents (supporting, repairing, restoring a basic confidence in the world and in oneself, in addition to bonding with the child);

- *room for various questions: 'What if he does not love me? What if I cannot...'*.

There will be no witnesses present, and no syllabus, because it is not a course that is offered but an experiential journey that will develop differently for each one, irrespective of the outcome of the project.

1990: Establishment of TransMonEE



Initially conceived as a research programme, TransMonEE (Transition Monitoring in Eastern Europe) was initiated by the Innocenti Research Centre (IRC) after the fall of the Berlin wall to systematically monitor indicators of child well-being in transition economies.

The programme evolved over the years and, as national averages started to bounce back towards their pre-transition periods, the focus has gradually shifted towards tracking equity gaps – and monitoring the situation of the most disadvantaged children, who are usually invisible in statistics. The acronym was accordingly adapted several years ago to reflect a broader vision of monitoring the realisation of child rights, leaving no child behind.

Today, TransMonEE² stands for Transformative Monitoring for Enhanced Equity, and now includes information about 28 countries in Eastern Europe and Central Asia.

Rewarding collaboration

Data on children (largely drawn from administrative data sources) covering over 400 indicators are currently consolidated annually in the regional TransMonEE database. The TransMonEE database is updated every year thanks to the collaboration with National Statistical Offices (NSOs) and other international databases. Each year, country-specific data collection templates are shared with the NSOs, filled in and submitted by the countries with the data for the previous year. The data are brought together after additional clarifications, indicators calculated and double checked for consistency before being disseminated.

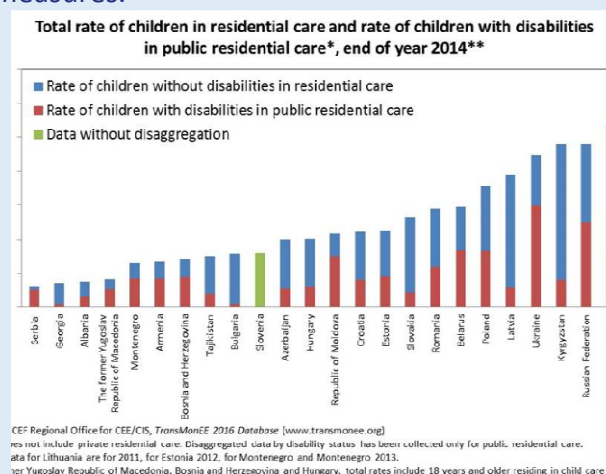
The database has been instrumental in:

- ensuring that the implementation of the Guidelines for the Alternative Care of Children in the region can be monitored;
- allowing countries to critically review their child care indicators in relative terms and in a comparative manner against other countries and regional averages;
- encouraging the improvement in availability, disaggregation and increased quality

TransMonEE is not only a database but represents a platform for cross-learning and the promotion of good practices in measurement and data on children. In October 2016, the more than two dozen countries that are part of TransMonEE came together to take stock of progress in terms of data on children in alternative care, discuss challenges and promising practices, and identify next steps. Further refining definitions, maximising the use of existing data, both for policy-making and for further improvement of the data quality of services, and putting in place mechanisms for better inter-ministerial cooperation around data, were at the core of this year’s discussions.

of data that were previously not tracked at all by the Governments.

One of the most important strengths and a real added value of the TransMonEE is the opportunity that the partnership with and between NSOs offers in terms of fostering horizontal cooperation and learning – and promoting international standards in data work that reflect the best interests of children. Through TransMonEE, UNICEF promotes clear and consistent concepts, definitions and measures.



The graph above provides an illustrative example of the challenges of defining terms and collecting reliable data on vulnerabilities and outcomes for children.

References:

¹ Lori Bell, UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States, Regional Monitoring and Evaluation Adviser, lbell@unicef.org.

² For further information on TransMonEE, see: <http://www.transmonee.org>.

INTERDISCIPLINARY RESOURCES

Children free from all corporal punishment – Prohibiting and eliminating corporal punishment of children

This report¹, published recently by the Global Initiative to End All Corporal Punishment of Children, is part of the UN Secretary-General's Study on Violence against Children², a global initiative to analyse the causes of this phenomena, present particularly within alternative care structures, and to improve prevention.

Objective 16.2 of the agenda of the 2030 Sustainable Development Goals (see Monthly Review No. 198 of January 2016) is to end all forms of violence against children, whether physical or psychological. The work necessary in order to achieve this objective is complex in the sense that the legislative reforms involved must be absorbed socially and culturally, an issue that is addressed in depth by the report *Childhoods free from corporal punishment – Prohibiting and eliminating all violent punishment of children*, published in 2016 by the Global Initiative to End All Corporal Punishment of Children. Indeed, the aim is to teach both, parents and the personnel within alternative care facilities, as well as children, who will be parents themselves one day, that violence is not an option.

Necessary legislative reforms...

The prohibition of corporal punishment of children is brought about by the amendment or the adoption of new legal instruments by countries. The Global Initiative to End All Corporal Punishment of Children report paints a picture of relevant legislation in each country and its implementation, to highlight the advantages and the legal loopholes in child protection. Currently, more than half of the members of the UN have prohibited (49) or are committed to completely prohibiting (54) violence against children. By 2030, it is expected that: 149 countries will have adopted national legislation prohibiting violent acts against children within their family environment; 142 countries will prohibit all forms of violence in alternative care environments and day-care centres or in schools (this relates to 70 countries), in penal institutions (relating to 60 countries), and finally that 34 States will include in their case-law and their religious law a criminal statute for these forms of violence and provide for corresponding sanctions.

... Supporting the necessary social and cultural awareness

However, it is not only necessary to change the laws, populations must also appropriate these new provisions through awareness-raising measures aimed, for example, at explaining that using violence to instil discipline is not a conceivable option. The issue of culture has to be considered: how far can we legitimately prohibit practices specific to individual cultures? How can States prevent these practices without imposing a model of education and a single perception?

To meet this challenge, the 2030 Agenda has been designed through preliminary research and social enquiry that has proved that violence against children is counter-productive. The report analysis underlines that violent behaviour against children has an impact on economic and social development: when personal and collective security is threatened, the development and productivity of each person is diminished. To prohibit violence against children will enable a reduction of some inequalities, and therefore improve the common wellbeing, an argument likely to make prohibition more audible and urgent for the countries that are still recalcitrant.

Violence against children has no preferential environment, therefore, the difficulty is to manage the adjustment of actions on the ground, to understand the situations concerned, such as the family home and schools (where violence, particularly disciplinary, are approved as being 'educational' in many cultures) as well as places of alternative care, where violence is particularly frequent. The comparative tables of the report reveal however that, on the whole, violence is not prohibited, neither in the home, nor in alternative care environments.

The implementation of Objective 16.2 reveals, on the one hand, the goodwill and interest expressed by States and, on the other, the UN monitoring through various measuring devices concerning the progress made, such as information obtained on the 'percentage of children aged from 1 to 17 years who were subjected to any physical or psychological aggression from their legal carers during a period of a month'. Such data is effectively an indication of the work accomplished, or which remains to be carried out, in order to build a world respectful of children.

References:

¹ Global Initiative to end All Corporal Punishment of Children (2016). *Childhoods free from corporal punishment – Prohibiting and eliminating all violent punishment of children*; available at: <http://www.endcorporalpunishment.org/assets/pdfs/reports-global/Special-Report-Vienna.pdf>.

² For further information, see: http://srsg.violenceagainstchildren.org/un_study.

ISS ACTION WORLDWIDE

The meeting of the child with the Court: Practices and perspectives for participation of children in civil judicial proceedings in Bulgaria

The ISS/IRC welcomes this promising practice at ISS Bulgaria¹, presented by Miglena Baldzhieva, a Barrister and Solicitor, which promotes the active participation of children in civil proceedings, including, among others, alternative care and adoption.

Not every child during their childhood participates in judicial proceedings, but each child may be directly or indirectly involved in judicial proceedings at different stages in their life: when the parents are separating or divorcing; when they are placed in a foster family or in an institution; when the child is suffering domestic violence; when they have arguments with the parents in relation to important issues in their life.

Rights embedded in international standards

When the child has to participate in court proceedings, they have certain rights that are guaranteed by the UNCRC: the provision of information regarding their situation and possible solutions; the right to be heard by social workers and judges during the process; the right to express views in all aspects affecting them; the right to receive information about the decision that has been taken; the right to appeal the decision, etc.

Implementing rights in practice

These issues have been addressed by the International Social Service – Bulgaria (ISS-Bulgaria) in the 'Child-friendly justice project', financed by the OAK foundation. The initiative was aiming to ensure the rights of every child that participates in civil judicial proceedings via

the drafting and piloting of child-friendly justice standards. The project was based on the information, knowledge and experience collected during the roadshow seminars for judges and social workers, which pooled together more than 850 professionals from all over the country, including 250 judges. The roadshows were organised by ISS-Bulgaria between 2005 and 2010. The findings and the recommendations by the roadshow participants, which called for a general concept and planned steps to ensure the effective participation of children in judicial proceedings, resulted in the child-friendly justice standards, which have been developed and tested during the project implementation.

The standards and the practices describing the application of the standards is one of the greatest project achievements. The standards are divided into 12 thematic groups that cover different aspects of child participation in court proceedings: the provision of information to the child; their legal representation; the hearing of the child and their expression of opinion; an appropriate environment and favorable conditions for hearing the child; child-friendly language for communication; the organisation of the judicial proceedings; the structure and content of the social report; the application of an interdisciplinary and multi-agency approach,

making decisions in the best interests of the child; the specialisation of professionals and the provision of specialised programmes and services to support the child and the parents.

Child-friendly justice: promising results

During the project implementation, four courtrooms, six rooms for interviewing children and one waiting area in the premises of eight pilot Courts were adapted in line with the recommendations (standards) in order to offer an appropriate environment and favorable conditions for hearing the child. Methodologies for two brand new services for Bulgaria were also drafted: an Information programme for separating parents and Contact centres for children and parents. A new tool to motivate and help parents to agree with regards to their children after the separation, called Parenting Plan, has been put into practice as well. These all

It is all about real participation in something that is important and that creates a foundation for a new attitude of the child as to what is happening to him/her, i.e. to take part in the important events and situations in his/her life.

Reference:

¹ Further information in English is available at: Child-friendly justice, Standards for children in civil law matters, <http://iss-bg.org/bg/publikatsii/>.

READERS' FORUM

Adoption: A better life during the three years following the arrival of the child

Three years after the first volume of the series Adopteparentalité¹, the second volume² offers new insights provided by Johanne Lemieux, to better experience the first three years following the arrival of the child.

1. Once the child arrives, the journey to the country of the CAAASÉ begins...

The CAAASÉ is a series of six stages that the parents and child will have to go through during the three years following the child's arrival. The aim is that the parent will know how to support the child in order to achieve the true meaning of adoption: a shared attachment that is as mutual and secure as possible. The CAAASÉ is a type of GPS that indicates the average time to achieve each stage, the dangers to avoid and the practical ways to move towards attachment:

- **Choc** [shock]: The tsunami of emotions (about three days); whatever the conditions, the first meeting will be an experience that has a psychological and physiological impact on the

proved the applicability of the newly-proposed child-friendly justice standards.

The project showed that the first steps towards a child-friendly justice system in Bulgaria were undertaken and that there were tangible examples, such as: the meeting of a father, who had not been in contact with his child for more than four years, held in the Contact Centre for children and parents set up in Burgas; the growing number of agreements between parents regarding their children as a result of the Parenting plan applied in Blagoevgrad; the children, interviewed by the judge in the Court in Berkovitza, who enjoy the fish tank with the 'golden fish' that makes their wishes come true; the children, who can make colourful fingerprints and write their names and age on the wall in the waiting area in the Court of Veliko Tarnovo, etc.

parents and the child and both will be overwhelmed by stress hormones.

- **Apprivoisement** [domestication]: Closed doors (about three weeks); only the parents should meet the basic needs of the child to assure him that they are good caregivers and have the best of intentions.

- **Adaptation** [adjustment]: Settling into the family (about three months); the parents provide all that is needed for the child to improve their physical and developmental health, to feel safe in the new home, to learn the language and integrate into family routines with the help of pictures. Although only the parents should respond to these needs, the extended family can interact with the child.

- **Attachement** [attachment]: The overall aim of the adoption journey (three seasons); the parents focus on consolidating safety bonds, trust and caring through more effectively decoding the child's language of attachment and by teaching them safer behaviour. Small separations can begin. Other adults in the family can play a more active role as caregivers.

- **Sevrage** [withdrawal]: Leaving the emotional base camp in order to come back better (three weeks); non-parental care gradually begins if parents return to work.

- **Equilibre** [balance]: Independence alongside a healthy and normal dependency (three years); a period of stabilising the joys and challenges of family life when the child's independence mixes with a healthy dependence in accordance with their age and their own special needs. This period lasts throughout life!

The CAAASÉ is not an absolute norm or a precise recipe. The periods suggest an average based on clinical observations. Each child is unique and has their own post-adoption development. As yet, there is no validated scientific model to describe the physical or emotional reactions of a standard adopted child in a standard environment. However, we have a better idea of the effective protection factors needed to reduce the risk factors in post-adoption.

2. How to take advantage of the waiting period in order to fully prepare for this journey?

In domestic as well as intercountry adoption, the waiting period is too often seen as an unnecessary and unjust psychological torture. However, the applicant can fill this time with concrete and useful actions. This period can then become an opportunity to find out about the inherent risk factors of the adoption project and, above all, to learn about the protection factors, which contribute to the success of this project. Although the prospective parent does not have any control over the risk factors linked to the child's pre-adoptive experience, the parent does have a significant ability regarding the protection factors to put into effect following the arrival of the child. Furthermore, it is important that the parent has access to specific professional advice for guidance. It is one thing to understand what

to do; it is another to know **HOW** to do it, an aim that this new work pursues.

3. How to succeed in this journey?

Several keys are detailed in my book but THE master key is the parents' acceptance of the realities of adoption normality³. If the parent understands that this will mean the child has some special needs, the parent will consider it normal to acquire the best knowledge available and to make appropriate life choices in response. In most cases, if the parents know what to do and if the child has not lost the physical and mental capacity to bounce back, the seriousness and intensity of the difficulties will diminish and allow the relationship to flourish.

4. Alternatively, can this journey fail?

In their wish to build a 'normal' family with 'normal' children, some applicants resist or minimise the additional options that the pre-adoption experience has given their child, and which generates additional challenges for the children AND their parents throughout their life. Without knowledge and empathy for this experience, the parent may impose unrealistic standards and expectations on the child. This resistance to see the child as they are and not as they would like them to be jeopardises the attachment relationship and can hinder the parent from becoming a tutor of resilience. Even more unfortunate, it is going to generate what the parent fears most: the failure of the family project.

5. Do you think that, currently, the prospective adoptive parents are adequately assessed, prepared and supported?

With 20 years of hindsight, good psychosocial assessment is inseparable from good preparation providing knowledge, skills and aptitude. Although the study of personality, mental and physical health, motivation and parental habits are protection factors, they cannot be the only measure of success or failure. By failing to impose a mandatory good quality training, receiving countries are unfairly putting the responsibility of the success or failure of an adoption on the shoulders of parents. Yet, it takes a village to raise a child! The provision of specialised post-adoption health and social services is as important as it is necessary. Even an excellent

gardener with the capability and motivation to care for a little uprooted and traumatised plant cannot succeed without a minimum of knowledge and support! The question is: do countries support the adoption of a child with the genuine interest and care in ensuring the best possible conditions in terms of the preparation of the parents and professional resources? Are we expecting unrealistic strength and resourcefulness from the adoptive parents? I do not have all the answers but I am convinced that the more the needs of adopted children are known and understood, the more the stakeholders in adoption could make informed decisions about the protection factors to implement. I humbly venture to contribute to this through my works.

6. Your book goes to the heart of the meaning of adoption, how is this transmitted to the prospective adoptive parents?

According to the poet and activist Maya Angelou: *'I did then what I knew how to do. Now that I know better, I do better'*. I try to always

remember that phrase when I meet new applicants. They are often enthusiastic and, it has to be said, a little naive. They do not know what they do not know. In order to convey to them the very essence of their role, we should not blame or embarrass them about this lack of knowledge but rather welcome them sympathetically where they are at the moment by validating their understandable dream of starting a family before discussing progressively with them the protection factors that they have the power to put in place if they want to succeed with this project. There is no point in making an exhaustive list of all the possible risk factors, painting a bleak and terrifying picture that does not help anyone to judge whether the project is realistic or not. When faced with lifestyle choices and concrete everyday actions, people can decide for themselves. Then, they themselves will be interested and motivated enough to adequately equip themselves in being prepared for the worst whilst hoping for the best.

References:

¹ See Monthly Review No. 172 (May 2013).

² Lemieux, J (2016). *L'Adoption: Mieux vivre les trois premières années après l'arrivée de l'enfant. Les clés d'une adoption réussie*. Collection *Adopteparentalité*. Edition Québec Amérique.

³ All the physical, emotional, cognitive and social challenges that result from the special circumstances of the life of the child before, during and after the adoption. This set of challenges represents the norm when compared to the common usual challenges of non-adopted children.

THE RIGHTS OF THE CHILD AND CROSS-BORDER ASSISTED REPRODUCTIVE TECHNOLOGIES

The knowledge of the origins of children born from surrogacy: Respect for the right to preserve their identity (Part I)

In recent years, surrogacy has been, and continues to be, the subject of heated discussions. Among the burning issues raised is the knowledge of one's origins, an issue addressed by Lorène Métral¹ in two stages. In this first article, she addresses the multiplicity of parentage lines for children born from surrogacy and the impact of the latter on their access to their origins.

The number of stakeholders involved in the process of surrogacy may vary from three to five persons. The intended parents – initiators of the parental project – involve a third person to carry their child – the surrogate mother, but they may also use an egg donor, sperm donor or both. Thus, the child's genetic, biological and legal

bonds are multiple, due to the dissection of the reproductive process and the division within the family². The maternity is divided 'between three, previously indivisible, components: the genetic mother (or ovarian), the surrogate mother (or uterine) and the social mother'³.

Knowledge of one's origins and the multiplicity of parentage lines

This multiplicity of parentage may lead to questions similar to those of adoptees in terms of relationships and knowledge of their origins⁴. The question of knowledge of origins for children born from surrogacy is not strictly regulated at international level, and these children may face a real lack of information regarding their genetic and biological origins (not knowing the gamete donors or the surrogate mother).

For these children, the causes of difficulties in accessing their origins may be numerous: the anonymity of gamete donors in some countries, the resort to a surrogate mother in a distant country, the absence of legal or administrative records regarding the use of this third person and the silence of the intended parents. The global dimension of surrogacy and the emerging reproductive tourism are also reasons for the difficulties encountered in obtaining knowledge or in the search for the origins of the children. By manipulating the jurisdictions and creating legal loopholes, reproductive tourism helps to create grey areas, which is detrimental to the official monitoring and the development of written evidence relating to the circumstances of the

child's creation and birth. The parents may also be tempted, in these circumstances, to conceal the use of a surrogate mother or gamete donation. Due to the circumvention of the law of a country, or the dubious ethical and moral conditions, in which the surrogacy took place, essential information about their birth is not revealed to the child.

A similar situation to that of adoptees

As a result of considerable evidence from generations of adoptees⁵ and from case-law⁶, we are able to recognise the importance of knowledge of the different bonds of parentage and origins in order to build the identity of an individual. It is recognised that the unspoken situations, or the lack of information concerning such fundamental elements of the history of the individual, may hamper their identity development⁷. Thus, children born from surrogacy – as for adopted persons – require 'not to be denied access to their own history. That it is not erased'⁸. In order to protect the identity building of these individuals, it is now necessary and urgent to take measures to enable them, at the appropriate time, to have access to their origins and to know their background in order to enable them to achieve their own stability.

Surrogacy is rapidly expanding and it is essential to consider the consequences this process may have for the identity-building of children born from this technology. The voices of experiences of adoptees are a great opportunity to understand and act in the interests of children, keeping in mind that the knowledge of one's origins is essential.

References:

¹ Lorène Métral completed her studies in international relations in Geneva; within the framework of her Master's Degree in Children's Rights at the University Institute Kurt Bösch, Geneva University, she published a thesis on the rights of the child in surrogacy situations. Métral, L (2015). *Le droit à la préservation de l'identité des enfants nés de gestation pour autrui*. Centre for Children's Rights Studies, Geneva University.

² Prieur, N (2007). *La transmission de l'origine dans les nouvelles formes de filiation*. *Cahiers critiques de thérapie familiale et de pratiques de réseaux*. Boeck University, 1 (38), pp. 175 – 191.

³ Ruffieux, G (2014). 'Retour sur une question controversée: le sort des enfants nés d'une mère porteuse à l'étranger'. *Revue des droits et libertés fondamentaux*. Chron. No. 7.

⁴ However, a major difference exists between adoption and surrogacy. Adoption is a child protection measure in accordance with Article 21 of the Convention on the Rights of the Child, by placing the interests of the child at the heart of the process. However, surrogacy does not belong to this group.

⁵ Evidence is transmitted mainly through specialist associations such as: Espace A, Switzerland, <http://www.espace-a.org/>; through websites and fora: La voix des adoptés, France, <http://www.lavoixdesadoptes.com/index.php>; or books, publications and films, for example: Jung (2007, 2008, 2013) *Couleur de peau: Miel*. Quadrant astrolabe (2007, 2008), Soleil (2013), Volumes 1, 2 and 3; Jung and Boileau L (Directors). (2012). *Couleur de peau: Miel*. Animated autobiographical documentary (Gebeka Films, France & Belgium).

⁶ European Court of Human Rights, *Jäggi v Switzerland*, Application No. 58757/00, Chamber Judgement of 13 July 2006; European Court of Human Rights, *Mennesson v France*, Application No. 65192/11, 5th Sect. 26 June 2014.

⁷ Mathieu, G (2015). *Le secret des origines en droit de la filiation* (Ph.D. thesis). Wolter Kluwer, Waterloo, 600 pp.

⁸ Théry, I (2009). 'L'anonymat des dons d'engendrement est-il vraiment 'éthique'?', *Esprit*, 5, pp. 133 – 164.

FORTHCOMING CONFERENCES AND TRAININGS

- **Switzerland:** **a)** *Adopter un enfant grand : Quels risques, quelle prévention ?*, Espace A, Geneva, 23 January 2017; **b)** *Introduction à l'accueil ou à l'accompagnement d'un enfant ou jeune requérant d'asile non-accompagné*, Espace A, Geneva, 28 January 2017. For further information, see: <http://www.espace-a.org>.
- **United Kingdom:** **a)** *Making Good Adoption Assessments*, CoramBAAF, Leeds, 11 and 12 January 2017; **b)** *Making Good Fostering Assessments*, CoramBAAF, London, 19 and 20 January 2017; **c)** *Life Story Work: Its importance in building identity*, CoramBAAF, Leeds, 31 January 2017. For further information, see: <http://corambaaf.org.uk/training>.

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