



Monthly Review

published by the International Reference Center for the Rights of Children Deprived of their Family-ISS

EDITORIAL

The ISS/IRC celebrates the 20th anniversary of its Monthly Review and will also celebrate its 25 years of existence in 2018



The Monthly Review, which has given worldwide visibility to ISS's International Reference Centre, is celebrating 20 years of existence this year. Other lines of action preceded the Monthly Review, as from the adoption of the 1993 Hague Convention, developed on the basis of the funding received. These included the analysis of domestic legislation and practices, support to countries faced with sudden, serious abuse, such as Romania and Albania, and the setting up of a documentation centre.

However, it was truly as from the publication of the Monthly Review that the ISS/IRC achieved its original objective: to be an international tool for progress in the protection of children who are deprived, or are at risk of being deprived, of a family.

Based on recent international instruments, such as the 1989 Convention on the Rights of the Child and the 1993 Hague Convention.

By *facilitating* the creation of bonds amongst those persons involved in some way or another in the fate of these children, either in the receiving country or in the country of origin, from governmental or non governmental bodies, those not belonging to any entity, professionals, parents or adoptees.

By *enabling* them to know each other, to develop a mutual trust, to build a relationship of solidarity, aimed at sharing information, ideas and methods, to help each other, and to create together.

It is thanks to the trust of the Hague Conference on International Private Law, Central Authorities and governmental bodies, that ISS, an NGO, has been able to establish the ISS/IRC and its international network. First of all, for Central Authorities, which, when able to do so, took the risk of financing the project when it was still only a

N° 216

OCTOBER - NOVEMBER
2017

TABLE OF CONTENTS

EDITORIAL

The ISS/IRC celebrates the 20th anniversary of its Monthly Review and will also celebrate its 25 years of existence in 2018 1

CROSS-BORDER CHILD PROTECTION ACTORS

Honduras 2

ISS/IRC NEWS

Benin: Training of the Central Authority 2

Update on the drafting of the international principles on international surrogacy 2

ISS delegation at the Special Commission on the practical operation of the 1980 and 1996 Hague Conventions, at The Hague on 10-17 October 2017 3

BRIEF NEWS

Ireland: Entry into force of the new Adoption (Amendment) Act 2017 3

Now available: Tracking progress initiative (steps forward) 3

Initial results from the Childnomics initiative: Measuring the long-term social and economic value of investing in children 4

LEGISLATION

Australia: Parliamentary Enquiry considering new legislation to curb 'orphanage tourism' 4

PRACTICE

Danish mandatory, continuous and accessible pre- and post-adoption support: Strengthening the skills of adoptees, adopters as well as the social environment of the adoptive families 6

The Norwegian Professional Board for Adoptions and its role in matching approval for children with special needs 7

The Nordic countries stress the importance of cooperation between the Central Authorities of receiving countries 9

Ingredients for a good cooperation between Central Adoption Authorities and accredited adoption bodies: The experience of Belgium's French Community 10

INTERDISCIPLINARY RESOURCES

Realising children's rights – Targeting care professionals working with children in alternative care 12

READERS' FORUM

Better listening to the voices of adoptees: Adoptees share their stories 13

FORTHCOMING CONFERENCES 15

utopia. Then, for all those, which progressively joined the dynamics of mutual respect and sharing between extremely diverse participants.

I can honestly say that the international network that the ISS has created within the framework of the IRC has become, over the years, a tool to respond to the interests of children. Yet, more needs to be done, especially as the developments of science and changes within society render the problems ever more complex.

In conclusion, I would like to share with you a concern, which has been with me throughout my time with the ISS, and particularly the IRC. We are all aware that adoption and the protection of children deprived, or at risk of being deprived, of a family can be highly controversial subjects, with underlying ideologies or conflicting interests. To state what may be the 'best interests of the child' is not always obvious. The international conventions and domestic laws are indispensable guidelines and frameworks. However, wherever each one of us acts, let us ensure that we implement them, without falling into a rigid straightjacket, and transforming the humanist spirit into something narrow and strict. I believe that flexibility, kindness, humility and questioning, the acceptance of specific characteristics, the consideration of uniqueness and the kindness of the various involved parties, are essential in those actions, decisions, advice and written materials of those persons acting in the lives of other human beings.

Chantal Saclier,

Founder of the International Reference Centre for the Rights of Children Deprived of their Family

CROSS-BORDER CHILD PROTECTION ACTORS

- **Honduras:** This country has submitted its instrument of accession to the 1996 Hague Convention on 16 October 2017. With the accession of Honduras, the number of Contracting States now amounts to 47.

Source: <https://www.hcch.net/en/news-archive/details/?varevent=576>.

ISS/IRC NEWS

Benin: Training of the Central Authority

The ISS/IRC travelled to Benin, where it delivered training to the recently-established Central Authority in adoption matters, with the participation of Alphonsine Sawadogo, an expert in child protection and adoption issues, and Cécile Jeannin, the ISS/IRC Coordinator of the Research and Publications Unit. At the latter, 14 participants, advisers and members of the technical secretariat of the Central Authority benefited from the multiple presentations and workshops that provided a panorama of intercountry standards and procedures applicable in matters related to the protection of children deprived of their family, or at risk of so being, in adoption proceedings, or in need of adoption.

Benin is in the final phase of ratification of the 1993 Hague Convention, and is currently developing procedures and tools for its forthcoming implementation. The ISS/IRC is honoured to support Benin in the strengthening of its child protection and adoption system, in order to ensure the adequate implementation of the principles of necessity and subsidiarity.

Update on the drafting of the international principles on international surrogacy arrangements

On 30 and 31 October 2017, in Geneva, ISS's Core Group continued work to develop international principles on international surrogacy arrangements. Following from ISS's Expert Group meeting in Verona in May 2017, the Core Group met to refine the principles to protect the rights of children in surrogacy arrangements. The Core Group includes Claire Achmad, Nigel Cantwell, Patricia Fronck, David Smolin, Katarina Trimmings, Michael Wells-Greco and the ISS team. Messages were reinforced on the need to preserve human dignity, prevent the sale of children, the right to identity (name, nationality and family relations), access to information about origins, when surrogacy arrangements are not completed, as well as the importance of respecting the rights of the surrogate mother and

intending parents. The wider Expert Group will continue to provide inputs into the 16 principles at a meeting hosted by the University of Zurich on 31 January – 2 February 2018.

ISS delegation at the Special Commission on the practical operation of the 1980 and 1996 Hague Conventions

From 10 to 17 October 2017, in The Hague, several ISS representatives (General Secretariat, Germany, Switzerland and the USA) participated in the 2017 Special Commission on the practical operation of the 1980 and 1996 Hague Conventions. This event was attended by many Central Authorities, Judges of the Hague Network, diplomatic missions, NGOs, independent experts, etc. Following the 2015 ISS Cross Border Child Protection Conference in Geneva, jointly organised with the Hague Conference on Private International Law, the Special Commission was the perfect opportunity for ISS to showcase its latest initiatives and contribute with its expertise in discussions on important topics, such as: international family mediation, the recognition and enforcement of family agreements, relocation, children on the move and *kafalah*. For that purpose, casework and advocacy factsheets were prepared in English, French and Spanish on these subjects, and are accessible on [ISS's website](#) and will be uploaded soon on the [website of the Hague Conference](#). ISS looks forward to continued cooperation with Central Authorities, the Permanent Bureau as well as other stakeholders to ensure the swift and holistic management of cross-border child protection cases.

The Conclusions and Recommendations of the Special Commission are now available at: <https://assets.hcch.net/docs/edce6628-3a76-4be8-a092-437837a49bef.pdf>.

BRIEF NEWS

Ireland: Entry into force of the new *Adoption (Amendment) Act 2017*

This new legislation, which entered into force on 19 October 2017, amends various parts of the *Adoption Act 2010*, which governs how all adoptions in Ireland are carried out. Among the most important changes, all children can now be considered equally in terms of their eligibility for adoption, independently from their parents' marital status or their previous adoption. This change will enable the adoption of some children from the foster care system and, therefore, the gaining of a certain stability. In addition, the best interests of the child are recognised as the most important consideration in any adoption procedure. The child's opinion is also highlighted in this new legislation. Finally, regarding adoption applicants, any couple living together in a civil partnership or living together for at least three years can now apply to adopt a child. Previously, only married couples or single applicants could apply to adopt. The ISS/IRC welcomes this new legislation, which enshrines several essential principles such as non-discrimination, the best interests of the child and the child's participation.

Further information available at: Department of Children and Youth Affairs, *Adoption amendments come into force on Thursday, 17 October 2017*, <https://www.dcy.gov.ie/viewdoc.asp?DocID=4445>; and the Adoption Authority of Ireland, *Landmark legislation welcomed by Dr Geoffrey Shannon, Chairman of the Adoption Authority of Ireland, 17 October 2017*, https://www.aai.gov.ie/images/17-Oct-2017-Adoption-Amendment-Act-2017_Press-Release-Updated-17.10.17.pdf.

Now available: Tracking progress initiative (steps forward)

After years of developing, fine-tuning and testing, the Tracking Progress Initiative (see Monthly Review No. 189 of February-March 2015) was officially launched at the IFCO meeting in Malta on 3 November 2017. Concretely, 'this tool was developed to support those working on strengthening the care system for children at the country level to measure progress in the implementation of the Guidelines for the Alternative Care of Children. The tool enables you to take stock of progress and identify challenges in the implementation of the Guidelines'. Led by the Better Care Network and Save the Children, the ISS/IRC with multiple other Steering Group members worked together to ensure its accessibility – through, for example, surveys, website design and network dissemination.

For further information, see: Tracking Progress Initiative, http://www.trackingprogressinitiative.org/dashboard_bcn/welcome/welcome.php.

Initial results from the Childnomics initiative: Measuring the long-term social and economic value of investing in children

Preliminary findings have been shared at the IFCO meeting in Malta on 3 November 2017 after pilot testing in Malta and Romania. The instrument provides an approach to economic modelling to inform decision-making. Officially, 'it enables consideration of the different types of costs of services and approaches that support children and families (particularly those in vulnerable situations) and links them to the expected outcomes of using these services'. The final deliverables, expected to be published early 2018, will include among others, a conceptual framework, methodology as well as a toolkit on data gathering and analysis. As one of the Steering Group members for developing this initiative, the ISS/IRC looks forward to encouraging other States to use Childnomics to invest in children.

For further information, see: Eurochild, the organisation leading Childnomics, <http://www.eurochild.org/projects/childnomics/>.

LEGISLATION

Australia: Parliamentary Enquiry considering new legislation to curb 'orphanage tourism'

An Australian Senate Committee is considering the adoption of a Modern Slavery Act, and including within it clauses designed to stop the flow of Australian funds into exploitative residential care institutions in developing countries, and raise public awareness of the risks to children associated with the 'orphanage tourism' industry.

Australia has launched a parliamentary enquiry¹ into the adoption of a Modern Slavery Act. The Committee considering the legislation may recommend clauses that aim to cut the supply of Australian money (from the foreign aid budget, charitable organisations and donations) to institutions operating as 'orphanages' in developing countries.

Objective of the draft law

Australia is a major sending country of people, money and support in kind to overseas residential care institutions (RCIs). Any proposed legislation would seek to redirect any foreign aid or publically donated funds from the institutions to efforts to prevent family separation and/or help reintegrate children to the care of their families/communities. Currently, companies and charities within the Australian travel, private, philanthropic and education sectors operate mission trips, school tours, gap-year tours, and other 'voluntourism' trips to foreign RCIs. The

Committee is also considering banning the organising of such trips, banning donations to such institutions, and banning Australians from running them.

Support for the draft law and recommendations

In a public hearing held on 2 August 2017 the Committee heard from civil society organisations engaged in child protection work in developing countries. The Cambodian Children's Trust, Forget Me Not, Rethink Orphanages, Save the Children Australia, Australian Christian Churches/Australian Christian Churches International each² made submissions and provided testimony on the situation of children in RCIs in countries, where they operate (e.g. Cambodia, Nepal, Uganda, Thailand, Laos, India). Each organisation made a submission to the effect that the recruitment of children into RCIs for the purpose of seeking foreign aid, charitable donations and/or for 'voluntourism' is a form of child trafficking and made recommendations to the Committee.

'I met many volunteers when I was at the orphanage. I know that they are good people and I know that they want to help, but what they do not know is that their actions are hurting children. The more tourists come, the more orphanages are set up and the more children will be separated from their families.'

Sinet Chan, Former 'orphanage' resident and Cambodian Children's Trust Ambassador

Collectively, the recommendations were to the effect that:

- Australian aid (both private, public and charitable) should not be used to support overseas RCIs, and should instead be focused on supporting family preservation, community-based initiatives, family-based care and family reunification efforts;
- Australian businesses, NGOs and religious institutions should not support or promote RCIs in developing nations;
- A community education effort should be embarked upon to make Australian citizens aware of the risk of creating a demand for children to be trafficked by donating to, or volunteering in overseas RCIs and discourage Australian citizens from doing so;
- Australian educational institutions should cease visiting or volunteering at overseas RCIs; and
- The government should formally recognise that current Australian aid funding and volunteers encourage child trafficking in developing nations, and should legislate to prevent this.

Although the hearing largely focused on practices in alternative care, the Committee touched lightly on how the situation affects intercountry adoption, with one senator asking, 'how do people know in international adoptions if they are one of these children who are in an institution with false papers?'. It is a sound question. Unsafe institutional practices in alternative care are intrinsically linked with unsafe practices in intercountry adoption; including the fraudulent representation of children with living parents, as 'orphans'.

Children in these institutions are not only vulnerable to exploitation through being used as income generating tools through 'voluntourism',

but also in encouraging donations in return for favourable assistance in adoption processes. Where governments have criminalised such donations, they may still support practices which ostensibly fuel the 'orphanage industry'. For example, whilst Cambodia has taken significant steps to address concerns, their intercountry adoption law provides for adoptive parents to pay a sum of USD 5,000 by way of humanitarian contribution. Similarly, in Vietnam, some receiving countries have permitted their citizens to give a one off donation of up to € 4,000 to institutions throughout the adoption process, although in practice sums can be higher. With roughly 200 intercountry adoptions per year, this is a significant amount of 'income' of € 80,000, where the average income is about € 120. A government-administered fund, such as that in Cambodia, or donations directly to institutions, create a risk of incentivising the 'producing of children' for adoptions, as well as competition among receiving countries to increase sums.

It further risks creating a system of reliance from the government itself on intercountry adoption donations to fund the child protection system, rather than creating sustainable systemic practices. The ISS/IRC is considering making a submission to the Australian government on these matters, and the extension of the risks/concerns beyond alternative care, to intercountry adoption.

The Committee released an interim report in August 2017, and although it did not fully address the above proposal in this report, noted that, in its final report, it will be addressing, inter alia, 'prevention of orphanage tourism'. The interim report considered issues including assisting business to prevent child labour and orphanage trafficking in their business practices.

The Committee is anticipated to hold further public hearings prior to releasing its final report. It is unclear at this stage when the final report will be released. The ISS/IRC welcomes this courageous initiative, the first of its kind in the world.

References:

¹ The information, including the mandate, contributions, preliminary report and transcripts of the public hearing are available at:

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery.



² See the transcript of the public hearing of 2 August 2017 and the contributions No. 23 (Rethink Orphanages), No. 25 (The Cambodian Children's Trust), No. 97 (Save the Children), No. 114 (Forget Me Not) and No. 140 (Australian Christian Churches). Note: Kathryn Van Doore, of the University of Griffith also offered spoken and written evidence on the matter (Observation No. 52).

PRACTICE

Danish mandatory, continuous and accessible pre- and post-adoption support: Strengthening the skills of adoptees, adopters as well as the social environment of the adoptive families

In this article, the Danish Central Authority explains how it ensures and promotes the welfare of the adopted child by adequately preparing parents for taking care of an adopted child, both in the pre- and post-adoption phases.

Since 2000, the Danish legislation on adoption enables authorities to assess every prospective adoptive parent, and to make it compulsory, for all applicants wishing to adopt, to attend a pre-adoption preparation course. Since 1 January 2016, the Central Authority also provides individual counselling before and after adopting the child, in order to ensure the best possible beginning in the new family.

The Danish approval procedure is divided into four parts. The Danish State Administration (regional level) is responsible for parts 1 and 3, which deal with the overall applicants' situation regarding age, finances, health and assessment of whether or not the applicants possess the necessary resources to adopt a child. Those parts will not be covered hereafter. Parts 2 and 4, as detailed below, are managed by the Danish Central Authority, the National Social Appeals Board.

The pre-adoption preparation course: Preparing prospective adopters to better prevent potential difficulties (Part 2)

Part 2 is designed for the participants to work intensively to become 'special parents'. Indeed, instead of focusing on children with special needs, we focus on developing special parents. As part of the approval process, first-time adopters in Denmark must participate in an adoption preparatory course that stretches over two weekends. The course focuses on the three parties of the adoption triangle, as well as on the child's story before adoption. The applicants work actively on a number of different subjects, many of them of a personal nature: the wish for a child and the dreamed child; the couple's own perception and history, individually and as a

couple; adoption as a life process that will change the existential structure of the family; parenting, the couples' strengths and vulnerabilities, individually and as a couple; the biological parents of the prospective adoptive child; the attachment process; and if there are biological or adopted siblings in the family, how to handle this situation and how to involve them in the process.

Preparation and counselling immediately before and after the child's arrival (Part 4)

Part 4 includes mandatory counselling for adoptive parents immediately before and after the child's arrival. All adoptive parents receive six hours of mandatory individual counselling: the first three hours between the adoptive parents' acceptance of the child proposal and the child's arrival at their home; the other three hours within three months after the child's arrival.

Counseling and post-adoption support

Additionally, all adoptive families may receive further counselling and support in relation to the adoption and the upbringing of their adopted child or children. This counselling may be provided to the family up until the child turns 18 years of age, irrespective of when the child was brought home. After the child turns 18 and upon application, it is currently possible for him or her to get specific support. This is an ongoing project in 2016 and 2017.

Financial, geographical and continuous accessibility of qualified pre- and post-adoption services

The mandatory preparation and post-adoption counselling and support are mainly state funded: the optional post-adoption support counselling mentioned above for adoptees and families cost

DKK 100 (approx. € 13) an hour, the remaining is at the state's expenses. In addition, the post-adoption support counsellors work from different locations in Denmark, and there are 22 of them for the whole country. The counsellors are psychologists or psychotherapists.

Apart from the specific assistance mentioned in this contribution, adoptees as well as adoptive

families are entitled to the same public support as any other Danish citizen, including when the family faces a disruption.

ISS/IRC recommendations based on the Danish experience:

1. Focus on the highest quality of preparation and post-adoption support. In this regard, it is worth mentioning two interesting aspects in the Danish system that enhance the relationship of trust between prospective adopters/adoptive families and professionals all along the process:

- the professionals/authorities in charge of the prospective adopters' assessment (Parts 1 and 3) are not the same as those, who deliver pre-adoption courses and post-adoption support;
- the post-adoption support counsellors provide both pre- and post-adoption counselling (Parts 2 and 4), a key role, which generates mutual trust and encourages adoptive families to ask for professional support should difficulties arise.

2. Ensure widespread knowledge of adoption issues by providing teaching/education on adopted children's development from a psychological perspective to schools, institutions and universities.

Reference:

¹ Further information available (in Danish) at: Ankestyrelsen, <https://ast.dk/born-familie/adoption/kurser>, and <https://ast.dk/born-familie/adoption/radgivning-til-adoptivfamilier>.

The Norwegian Professional Board for Adoptions and its role in matching approval for children with special needs

The Norwegian Central Authority provides us with an overview of its Professional Board for Adoptions, established in 1999, which aims to approve the entrustment of children with special needs by the country of origin to adoptive parents, creating therefore an additional safeguard for the success of those adoptions.

The establishment of the Norwegian Professional Board for Adoptions, which includes a medical doctor, a clinical psychologist and a psychiatrist, introduced new procedures for the adoption of children with special needs. The Board's objective is to find suitable parents to ensure that the adoption takes place in the best interests of the child and to reduce the risk of adoption disruption. The Board must, as far as possible, ensure that the prospective adoptive parents have the qualities needed to give the child a good and permanent home. In other words, the Board's statement provides the adopters with a better basis for their decision on whether they want to adopt the specific child.

Approval of the matching proposal by the Board

The Norwegian adoption authorities are, as a primary rule, not involved in the matching of

parent(s) with a child. An exception is the adoption of children with special needs, which must be approved by the Board. According to Ministry guidelines, approval of the Board is required if:

- A child has reached the age of five;
- If there is a sibling group of more than two children;
- There are children with special care needs.

In practice, it can be difficult to identify a child with special needs. If the information about the child's physical or mental health indicates a need for parents with special knowledge, insight, and experience to meet the child's needs, the case must, as a general rule, be submitted to the Board.

It follows that, when receiving a matching proposal, the accredited adoption body must

consider if it concerns a child with special needs, and if the Board's approval is needed before the adoption process can proceed. Consequently, accredited adoption bodies have a very important task and hold great responsibility in the process of those adoptions.

Assessment and approval of prospective adopters by the Professional Board

The prospective adopters must be informed in advance, and have given their consent, to be assessed by the Board to care for a child with special care needs, older child(ren) or a group of siblings. At this stage, anonymous information about the child(ren) is disclosed to the prospective adopters. They receive the most relevant information needed to allow their consent to be considered by the Board. Pictures of the child(ren) are provided when the family is approved by the Board. The prospective adopters must also be informed if the Board is to review several prospective adopters for the same child. In this regard, the Board has set up a limit of maximum three applications. The prospective adopters must write to the Board and detail their wish to adopt the child(ren). The Board pays special attention to their attitude to adopting the child(ren), his or her needs, and the access to and availability of relevant services. The Board also uses information from the social report.

When the Board has approved the matching or chosen one family in the case of several prospective adopters' proposals, the adoption process can proceed. The Board provides an assessment of the child and its opinion of what the adopters need to be aware of and prepared for, what they can expect and what kind of special care the child is in need of. The purpose is to help the prospective adoptive parents to decide whether they should adopt the child or not.

Subsequently, the case is returned to the accredited adoption body, and if the prospective adopters maintain their wish to adopt the child(ren), they must again provide their consent.

It is important to act expeditiously in the adoption process, in particular to meet the best interests of the child. However, a fast process must never compromise its quality. The Board's approval of the matching is a measure that contributes to having better prepared adopters, and reduces the risk of

A form has been prepared for this purpose, where they are required to state all the documents on which the consent is based. They now get pictures of the child and a copy of the Board's decision. They are given reasonable time to consider if they want to accept the matching.

Timeframe and potential obstacles

The Board meets approximately once every three weeks. Bufdir, the Norwegian Central Authority, needs to receive the case from the accredited body four weeks before the Board's meeting, in order for the Board to have sufficient time for preparation.

The Board's decisions must be unanimous and cannot be appealed by families, who did not get the matching approved or by the families, who were not chosen for a child.

Remaining challenges and recommendations

The Board's approval of adoptions of children with special needs is an additional safeguard and serves in this regard as intended. However, the accredited adoption bodies claim that the Board's processing of these cases causes undue delay. This is due to the fact that the meetings, in their opinion, are not sufficiently frequent and that Bufdir needs to receive the file four weeks before the Board meeting to give both Bufdir and the Board sufficient time for preparation. Indeed, many countries of origin have short time limits for acceptance of the proposed matching, *e.g.* 30 days, which in most cases are very difficult for the accredited adoption bodies to comply with. Whenever possible, Bufdir does not practise the four-week limit too strictly, but the procedures can still cause a delay of two to three months.

A new Adoption Act, which will enter into force in Norway next year, is going to make a few changes to the Board's mandate. It will be given an advisory function and the adoption authorities shall then provide their consent in accordance with Article 17 of the 1993 Hague Convention. Great emphasis must still be placed on the Board's statements. With the new Act, initiatives will be introduced to ensure an expeditious processing of these cases.

adoption disruption. It is a paradox that the shortest time limits for acceptance often apply to children, who are most in need of special care.

The Nordic countries stress the importance of cooperation between the Central Authorities of receiving countries

Lena Ingvarsdotter Ekroth works as International Affairs Officer at the Family Law and Parental Support Authority in Sweden (MFOF), which is a government authority under the Ministry of Health and Social Affairs and the Central Authority appointed in accordance with the 1993 Hague Convention.

Sweden has had adoption contacts with other countries since the mid-1960s. Today, there are over 50,000 Swedes, who have been adopted from abroad, so intercountry adoptees are a common feature in Swedish society. The number of intercountry adoptions in Sweden in one year is currently between 200 and 300. In 2016, the children were adopted from South Africa, South Korea and Taiwan. The other Nordic countries also have a very long experience of intercountry adoption. Together, the Nordic adoption organisations have agreed on some ethical values concerning intercountry adoption, which is called 'the Nordic approach'. This approach is based on the objective of putting children's rights and higher ethics at the forefront when it comes to practices and basic rules in intercountry adoption.

Learning from each other and sharing information

The Central Authorities of the Nordic countries also cooperate closely; there is a yearly meeting where ethical dilemmas and how to handle current difficult situations in different countries of origin are discussed. When receiving authorisation applications for new countries of origin, the Central Authorities of the Nordic countries contact each other and ask about each other's experience of working in that country, which is something that is regularly done within the Intercountry Adoption Network (ICAN) as well. The ICAN group consists of Central Authorities of several receiving countries in Europe.

When the Central Authorities of the Nordic countries go on missions to different countries of origin, the travelling Central Authority sometimes

asks questions on behalf of the other authorities. Sometimes, joint meetings are organised with countries of origin in order to save time for their authorities, which otherwise would have had to answer the same questions twice.

The Nordic authorities also share mission reports as we understand each other's languages quite well. They have certain common administrative features in the way the intercountry adoption intermediation is organised, but usually there is no common action taken in specific issues towards the country of origin. Where there are no common features, it is possible to learn from each other in order to find out what each country considers to be 'the best practice'. In this context, it is necessary for receiving countries to analyse and consider if current national systems are designed in a way that enables us to maintain high quality in our work and that the protection of children's rights is kept in focus.

Avoiding pressure on the countries of origin

The most important statement and the bottom line of the Nordic approach is that the aim of intercountry adoption is to find a permanent family for children in need of a new family, which has not been possible to find in their country of origin. The aim is not to satisfy the needs of prospective adoptive parents.

As is also stated in the Conclusions and Recommendations of the Fourth Special Commission on the practical operation of the 1993 Hague Convention, it is of utmost importance for powerful receiving countries not to put pressure on the country by sending an



unrealistic number of applications in relation to the number of children in need of intercountry adoption. Such pressure can lead to a situation where young healthy children, who could benefit from a family in their country of birth, instead are adopted by adoptive parents abroad. It is important for us in the receiving countries to remember that the countries of origin must be the decision makers as to when intercountry adoption is the best solution for a specific child.

The Nordic approach also promotes the idea of having a limited number of highly professionalised NGOs as accredited bodies, thereby securing continuity, engagement and sustainability.

Costs transparency, reasonability and accountability

Receiving countries and countries of origin have a common responsibility on a policy level to promote transparency, reasonability and accountability in relation to the financial aspects of intercountry adoption. Central Authorities have to focus on and elaborate clear and

Adoption is a forceful intervention with lifelong consequences for the children and parents involved. No matter how good the intentions are, the receiving countries must always be careful and make sure that every step in the adoption process is performed with the best interests of the child in focus. This is why cooperation and discussions between Central Authorities in the receiving countries are so important.

Ingredients for a good cooperation between Central Adoption Authorities and accredited adoption bodies: The experience of Belgium's French Community

On the basis of his long-lasting experience and own convictions, Didier Dehou, Chief of the Central Authority of the French Community of Belgium, states his thoughts on the links which should ideally exist between the Central Authority and accredited adoption bodies in a receiving country.

A Central Authority of a receiving country should always show a great interest in its accredited adoption bodies, at least if it wants the principles and intentions of the 1993 Hague Convention to become a reality on the field, or that its international engagements are translated into action by the accredited adoption bodies, as key stakeholders. It is therefore necessary to organise, regulate, formalise, model this 'outsourcing' in the concrete implementation of certain obligations, from a public authority to the associations. In presenting our accredited adoption bodies to our colleagues in countries of

comparable information and work for cooperation between Central Authorities to avoid abuse and other irregularities.

In the framework of the Hague Conference, an Experts' Group on the Financial Aspects of Intercountry Adoption has developed tools for a harmonised terminology, a list of good practices and tables on costs that can bring practical value. An open discussion and transparency is necessary to avoid that financial incentives may influence intercountry adoption.

In many countries of origin, the middle class has increased in number, and more people are able to take care of their children, the stigmatisation of single mothers has decreased, and the number of domestic adoptions has increased, which is very positive and fully in line with the principle of subsidiarity. However, the decrease in intercountry adoption is a challenge for receiving countries, as fewer adoptions make it harder to keep knowledge and competence among professionals that work with adoption issues.

origin, I often say 'they are somehow the extension of the action of the Central Authority'.

Which type of accredited adoption body should be promoted in matters of adoption?

The same term reflects various realities: indeed, the range of accredited adoption bodies may include, for instance, voluntary associations (often adoptive parents, motivated by the will to share their happiness or to help 'orphan' children); or initiatives, whose commercial object is hardly hidden, or agencies accessible on the internet through a simple click, which I call 'travel

agencies specialised in adoption'. At the opposite end are accredited bodies with an authentic child protection perspective. It seems obvious that accredited adoption bodies should be first a child protection service, considering the fact that the implementation of a child protection measure has been entrusted to it. Authorising on its national territory exclusively this third kind of accredited adoption body should have been a *sine qua non* condition to ratify or accede to the 1993 Hague Convention. Purely private initiatives and commercial enterprises should not be the providers of the State's international commitments.

Why accredited adoption bodies?

The answer is quite simple: **'to each one its own job'**. Central Authorities and accredited adoption bodies are not in competition; they are complementary, provided that each one understands its role and its functions. It is therefore necessary for a receiving country to specify the **regulatory, ethical and methodological framework**, in which its accredited adoption bodies work. In French-speaking Belgium, where, since 2005, all non-relative adoptions (domestic or intercountry) must be supervised by an accredited adoption body, the missions of these accredited adoption bodies and their relations with the Central Authority are set in a quite restrictive regulatory and legal framework. Detailed terms of references specify the various interventions of an accredited adoption body. These missions are multiple and some of them fall explicitly under a child protection policy: medical and psychosocial assessment, preparation and support of the prospective adoptive parents during the waiting period, follow-up, etc.

The framework is also ethical: the teams of the accredited adoption bodies (as the Central Authority and other involved professionals), are bound to respect an ethical charter, written jointly with the stakeholders in adoption and synthesising the policy defended on this matter.

The implementation of the missions of accredited adoption bodies is subject to a follow-up and a permanent supervision by the Central Authority, both at a structural level (operation of the accredited adoption body in Belgium and abroad), and with regards to individual

procedures. This is essential since, in all its actions, the accredited adoption body engages *de facto* the responsibility of the State and the responsibility of the authority, which has granted its accreditation. Thus, the dysfunctioning of an accredited adoption body is also that of the Central Authority.

As a consequence of their mandate as a child protection service, the accredited adoption body must be subsidised by the Government.

Ingredients for a relationship of mutual trust

Three essential ingredients:

- The **proximity** of the Central Authority with the accredited adoption bodies: Beyond contacts linked to the supervision (annual inspections, daily follow-up of the individual files), there are plenty of opportunities to meet the accredited adoption bodies, individually or collectively, for functional, methodological, thematic and even festive reasons.

- The establishment of trusted relationships implies a certain **professional durability** of the persons involved. Generally, the persons responsible for accredited adoption bodies have been working there for a long time, as well as the persons in their team. It is not always the case of the persons in charge of Central Authorities. A certain amount of time is necessary in order to know a sector, to learn how to know and trust each other.

- **Implementing common projects** allows the Central Authority and the accredited adoption body to strengthen this climate of trust. Among the most significant examples are the **common missions**, which we have organised for more than 10 years with our accredited adoption bodies. We have had the opportunity to build, in many countries of origin (Côte d'Ivoire, Niger or Morocco), the **modus operandi** of a new partnership with our foreign counterpart and our accredited adoption body. Another example is the joint organisation of **the hosting of a delegation of a country of origin** in Belgium. To this end, I would like to make a recommendation to the authorities of receiving countries and countries of origin: **accredited adoption bodies should not invite the authorities of a country of origin**. This type of initiatives contributes to unhealthy relationships, and may question or jeopardise the independence and the impartiality

of the country of origin's authorities. The rule should be: the public authority invites its counterpart and the associations invite their local collaborators and private partners.

Attention paid to the local collaborators of the accredited adoption bodies in the country of origin

For a good management of its relationships with its accredited adoption bodies, the Central Authority must also pay a great attention to its local partners – because intercountry adoption operates a little bit like a Matriochka. The biggest doll is the Central Authority/State, which ratified the 1993 Hague Convention and, therefore, is liable for a series of international commitments. In this big doll, there is a second smaller one: accredited adoption bodies, which are more into the reality, but must be strictly framed by the State. In the third doll, even smaller: the local

partner of the accredited adoption body. Most often, it is an individual, who works alone and looks like a 'one-man band'. He or she maintains, on a daily basis, relationships with local authorities (sometimes directly with the children's homes); for the prospective parents, he is all, an interpreter, offers psychological support, legal and administrative counselling and a logistics expert, *i.e.* he or she is like an accredited adoption body in itself. He or she is the sub-contractor of the AAB, itself sub-contractor of the Central Authority for certain missions. Thus, the Central Authority must also have a good knowledge and sufficient control over these local partners. Sometimes, even, some partners become official partners of our Central Authority – the ultimate illustration of the tandem we maintain with our accredited adoption bodies.

Well before the 1993 Hague Convention, the fundamental concerns of this Convention were defended by associations, among which some were ancestors of today's accredited adoption bodies. In many receiving countries, some have even been pioneers and drivers of changes in the field of intercountry adoption, while many States did not show much interest or willingness to make things move forward. As Central Authorities, we must remember it and acknowledge the contribution of the associations. This acknowledgment can contribute to considering accredited adoption bodies as essential partners.

INTERDISCIPLINARY RESOURCES

Realising children's rights – Targeting care professionals working with children in alternative care

As part of the project 'Training Professionals Working with Children in Care', SOS Children's Villages International, along with the Council of Europe, Eurochild and some European countries developed a training handbook and drafted European Recommendations.

The project objectives carried out in 2015 and 2016 were to build care professionals' capacity, to engage with key European and national stakeholders from eight European countries (Bulgaria, Croatia, Estonia, France, Hungary, Italy, Latvia and Romania) and to raise awareness on the need to sustain such training in the long run. A total of 881 care professionals were trained in how to apply a child rights-based approach in their daily practice.

'The child rights approach is a language we can all speak. But like other languages we have to practice it, in order to become fluent'

Anita, a young expert

The training is designed to familiarise groups of care professionals with international standards surrounding children's rights – and above all, to relate this to the daily experience and challenges arising in the field of alternative care. It is built on the four guiding principles of the Convention on the Rights of the Child. Practically, it is composed of eight sessions, which together make up a 12-hour training module.

European Recommendations²

The training manual¹

In order to support this training, *European Recommendations on the Implementation of a Child Rights-Based Approach for Care Professionals Working with and for Children* were developed. Those recommendations detail the actions to be undertaken to ensure the quality of child care and child protection systems. They have been built under two core implementation pillars: implementing children's rights and implementing quality child rights training. The first pillar advocates for dissemination and awareness raising of children's rights among children, young people and those working for and

with children – ideally in a child-friendly manner. Moreover, a particular emphasis is put on the need to develop 'a national child-rights training strategy to ensure that all professionals working for and with children undertake compulsory and ongoing training on the rights of the child'.

The second pillar is dedicated to professionals' access to quality practical training. Children and young people should participate in the capacity building of care professionals through their inclusion as trainers and experts in their own rights (see Monthly Review No. 208 of January 2017).

The ISS/IRC welcomes the emergence of new tools to guide professionals working with and for children in alternative care. In particular, the inclusion of youth in the process, and its positive impact on participants, shows the importance of taking into consideration children's voices in all actions related to them. Indeed, who can better train and raise awareness among professionals than the ones subject of the care?

References:

¹ Realising children's rights – A training manual for care professionals working with children in alternative care, available at: <https://www.sos-childrensvillages.org/getmedia/94064fdf-41dd-4ca5-94fc-fac167857c2c/Realising-Childrens-Rights-Training-Manual-ENG-web.pdf> (other languages also available).

² European Recommendations on the Implementation of a Child Rights-Based Approach for Care Professionals Working with and for Children, <https://www.sos-childrensvillages.org/getmedia/2a751100-f8ec-463e-bf78-87014d22edeb/European-Recommendations-on-child-rights-based-care.pdf>.

READERS' FORUM

Better listening to the voices of adoptees: Adoptees share their stories

In this interview, Céline Giraud – Co-Founder and President of the association La Voix des Adoptés – and Sitara Chamot – an adoption professional – share their views on the involvement of adoptees in adoption debates and decisions and the development of professional tools¹.

In light of the 25th anniversary of the 1993 Hague Convention, a legitimate question to raise is whether this instrument – providing for further safeguards for the adopted child – has also contributed to better involving adoptees. Two adoptees share their observations on adoptees' involvement in debates on adoption at legal, political and social levels, and on the valuable contribution of their experience in the elaboration of professional tools.

1. Céline Giraud, do you think that adoptees are adequately involved in professional discussions about intercountry adoption?

For some years now, the voices of adoptees are better taken into consideration. This might not

mean, however, that their claims are sufficiently considered. Globally, there are adoptees, who have taken the lead, have founded and are managing associations and NGOs. They do not only have a personal experience but can also offer reflections, expertise and have the necessary distance to provide coherent proposals. These aspects are extremely valuable to influence practice. Adoptees' statements are real recommendations, which are respectful of their rights, their interests and ethics.

2. In your opinion, what are some of the pitfalls to avoid when involving adoptees?

Of course, our status as adopted persons should not be the sole legitimate motive to be further

involved in adoption debates. Our status should be considered as a fundamental element but must not be reduced to that. As for other adoption professionals, it is crucial to showcase a particular expertise based on professional or significant voluntary experience, studies related to one or several subjects linked to adoption, or a long-lasting activity in the adoption field.

One must be careful with regards to voices, which base their legitimacy on the only fact of having been adopted. As difficult as it might be, a certain personal development is necessary to better approach and accept one's life story. This will enable the adoptee to assume and express him or herself with empathy and openness towards others.

3. How can we effectively involve adoptees in such discussions?

Several ways exist to improve the adoptees' involvement:

- Grant more visibility but also give credit to the adoptees' work, for instance in terms of remuneration;
- Ensure an adequate representation of adoptees in discussions and within entities;
- Facilitate the implementation of means to ensure the sustainability of their actions.

4. Sitara Chamot, what was your contribution to the prospective guide on intercountry adoption breakdowns?

The ISS/CIR has decided to give a voice to an adopted person, and to share the latter's perspective on the topic of adoption breakdowns with the readers of its prospective guide *Vers une plus grande compétence: Apprendre des échecs de l'adoption internationale*. To the question 'Why is it

important to talk about adoption breakdowns?', Sitara answers, it is 'simply impossible to recover from an abandonment, I am convinced. From my point of view, it is only conceivable to live with it. For a person, even if subsequently adopted by another family, it will condition his or her life, at all levels'. She adds, 'let us remember that we are talking about adoption breakdowns here, but also note that many families, who adopt children considered to have difficult situations, succeed in their family life'.

As for the importance of preventing and accompanying a breakdown – whether temporary or permanent – Sitara conveys the experience of a young man, who remembers that he was full of questions and rancour when he was returned to an institution after his adoption had failed. Why had he been adopted if it was to send him back to an institution? This adoptee pointed out that if his adoptive family had been better prepared and adequately supported during the complex events that took place, he sincerely believes that this might not have led to the breakdown.

For Sitara, 'it is extremely important not to stigmatise children or prospective adoptive families. Sometimes, it is difficult to identify the ingredient that made the family bonding succeed, while for other families it did not work. Even in a disruption case, the breakdown is a painful and complex situation, but it is part of these families' lives and is not necessarily equivalent to an unsuccessful life (...). For professionals, this crisis or breakdown is an opportunity, if you will, to question yourself, take the time, and can become an important issue to better adapt practices and be able to support these families in the best possible way'.



Considering the voices of adoptees is no less than recognising their right to express themselves and become aware of their competence to improve adoption systems. As for Sitara and Céline, however, it is essential that adopted persons must have been able to deal and accept their own story and must have developed, as is the case for many of them, real professional expertise.

Reference:

¹ These are extracts of the presentations both experts held during the ISS/IRC Symposium on alternative care, adoption and surrogacy on 4 October 2017 in Geneva, Switzerland.

FORTHCOMING CONFERENCES AND TRAININGS

- **France:** **a)** *Cet enfant qui nous “déborde”, Enfants difficiles, professionnels en difficultés?*, Pikler Lóczy, Paris, 12 December 2017. For further information, see: <http://pikler.fr/>; **b)** *Besoins fondamentaux et droits de l'enfant : quels enjeux pour le cadre en protection de l'enfance*, Thematic seminar, L'École de la protection de l'enfance, Bourg-La-Reine, 12-13 December 2017; **c)** *Le travail avec les familles et l'enfant, enjeux et méthodes*, Thematic seminar, L'École de la protection de l'enfance, Bourg-La-Reine, 16-17 January 2018. For further information, see: <https://lebpe.fr/lebpe/lecole-de-la-protection-de-lenfance-2/>.
- **Switzerland:** *The impact of children's rights education and research on policy development*, Children's Rights European Academic Network (CREAN), Geneva, 18-19 January 2018. For further information, see: <http://crean-network.org/index.php/activities/crean-conferences/upcoming-conferences/CREAN-conference-2018>;
- **The Netherlands:** *Master of Laws: Advanced Studies in International Children's Rights*, University of Leiden, 2018-2019. Training starts: September 2018. Registration open until 1 April or 15 June depending on visa requirements or residence authorisation/accommodation. For further information, see: <https://www.universiteitleiden.nl/en/education/study-programmes/master/international-childrens-rights/admission-and-application/application-deadlines>.

EDITORIAL COORDINATION: Cécile Jeannin

EDITORIAL BOARD: Christina Baglietto, Cécile Jeannin

DRAFTING COMMITTEE: Christina Baglietto, Laurence Bordier, Mia Dambach, Juliette Duchesne, Cécile Jeannin, Marie Jenny, Lisa Robinson and Jeannette Wöllenstein. We are particularly grateful for the contributions drafted by Didier Dehou, Central Authority of the French Community of Belgium; Céline Giraud, President of *La Voix des adoptés* (France), and Sitara Chamot, an adoption professional (Switzerland); Karina Haahr-Pedersen and Karin Rønnow Søndergaard, Central Authority of Denmark; Lena Ingvarsdotter Ekroth, Central Authority of Sweden; and Reidun Lauvstad, Central Authority of Norway.

DISTRIBUTION: Liliana Almenarez



The ISS/IRC wishes to thank the governments (including of some federal States) of the following countries for their financial support in the preparation and distribution of this Monthly Review:

Andorra, Australia, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Monaco, New Zealand, Norway, South Africa, Spain, Sweden, Switzerland, The Netherlands.



irc-cir@iss-ssi.org
www.iss-ssi.org

ISS
32 Quai du Seujet
1201 Geneva / Switzerland