



# Monthly Review

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

No. 224

August 2018

*'The happiness of any society begins with the well-being of the families that live in it'*

Kofi Annan,  
whom the ISS/IRC team wishes to pay tribute to

## EDITORIAL

### First names in adoption: A real issue?

*The first name given to a child is integral to their identity, and reflects a part of their story, to a greater or lesser extent – depending, for example, on the age of the child. Changing it when they are adopted is therefore not a trivial issue, and is a cause for debate at several levels.*

'Kamal becomes Ganesh, Gerry remains Gerry, Sophie chooses to be called Sarah, Phonsy becomes Sabine'<sup>1</sup>. A child's first name clearly carries meaning. For a child in the process of adoption, the choice of first name may be influenced by a variety of elements, such as the adopted parents' wish to give them a new name or wish not to break with their past, the laws or culture of the country of origin, etc. Thus, how can we ensure that the interests of the child and the wishes of their adoptive – and even biological – parents are taken into account, when a change or not of the name is at stake.

#### Debate between – and within – States

Whether a first name can be changed only when there is a legitimate interest, or when there is simply a wish to do so, is its regulation not essential for the respect of children's rights? In the specific case of adoption, these provisions carry even greater significance, when the original first name is the only information the adoptee has of his or her origins (see p. 10). Although this often comes down to the personal choice of the adoptive parents, its impact on the child and their rights, especially if they are adopted at an older age, must be taken into consideration. In the absence of a legal framework, it seems difficult to ensure, for example, that the child's views have been taken into account when making this choice, or that the adoptee might be able to reclaim their original name in the future, if they felt the need to do so (see p. 5).

In terms of International Law, Articles 3, 8.1 and 12 of the UNCRC,

#### TABLE OF CONTENTS

##### EDITORIAL

First names in adoption: A real issue? 1

##### ACTORS

Honduras 3

##### ISS NEWS

Practice brief by ISS-USA and CICW to protect families and children affected by recent immigration policy 3

ISS in Burkina Faso, Cambodia and Vietnam for children with disabilities 3

##### BRIEF NEWS

Report on serious violations of human rights in institutions in Guatemala 3

New handbook for ending violence against children 4

ACERWC has released a General Comment on systems strengthening for child protection 4

Release of report on Third Biennial International Conference on Evolving Trends in Alternative Care for Children in South Asia 4

Childonomics: Initial key findings 5

##### LEGISLATION

Changing the first name in adoption: A legal perspective 5

##### PRACTICE

Light on the concept of gatekeeping 7

##### INTERDISCIPLINARY RESOURCES

School integration while in care: Believing in the potential of every child 8

##### IN THE WORDS OF ADOPTEES

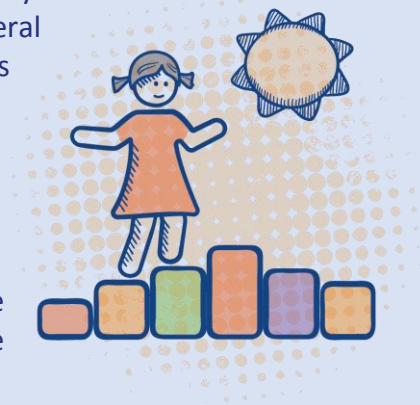
The issue of first names in adoption 10

##### READERS' FORUM

Identity and origins – Are they the same thing? Some thoughts on the name of the child in the adoption process 11

FORTHCOMING CONFERENCES AND TRAININGS 13

which enshrine the rights of children to preserve one's identity (including name) and to have one's views heard, seem to constitute a solid basis, which has to be supplemented by the cooperation enshrined in the 1993 Hague Convention. Indeed, whilst several countries regulate changes of first names with specific provisions applicable to adoption, some are silent on this matter (see p. 5). In cases of difficulties or conflicts of laws, should cooperation mechanisms not clearly state which country and authority is responsible for the process or identify the procedure to comply with? Indeed, it should be reminded that the issue of the child's name is an integral part of the adoption decision and that the absence of respect by countries of their respective obligations – see p. 5 – might be of such nature as to compromise the adoption.



### Debates amongst professionals

The field of adoption is not immune to controversy and the expression of dogmatic beliefs, which complicate or even jeopardise what is supposed to be in 'the best interests of the child' (see Monthly Review No. 219, March 2018). The issue of first names in adoption is no exception. For example, some professionals promote a change of first names, in order to help to 'graft' the child onto their new family and country. Conversely, others recommend retaining the first name, both in recognition of the child's past and to avoid a sharp 'break' between these stages of their life. However, do either of these positions provide a single solution for every child? Should the debate focus on whether or not the first name is changed, or rather on the way in which this is carried out? Once again, the role of the professionals appears to be to refocus the debate on the child and on the conveyance of their story by their adoptive parents, irrespective of the choices they make (see p. 11).

### Debates amongst adoptive parents and biological parents

Should the adoptive family and professionals be granted complete freedom of choice in making this decision? What about the biological family, in particular in an open adoption? Changing the first name of a child in the process of adoption has as many implications as there are people involved. For biological families, changing the child's name may intensify the feelings of loss and separation; for adoptive parents, not being able to give their child a name can also be experienced as a significant loss. This reflects the importance of addressing these different perspectives in each party's preparation and support, including mediation if necessary, to help them understand the significance of the child's name before and, if changed, after adoption.

### Debate amongst adoptees

As for adoptees, the impact of a change of first name on their lives has as many responses as there are adoptees. As stated by Sitara Chamot in her article on page 10, there are multiple strategies for building an identity, and the choice of a first name plays an important role in developing these. The question must therefore be asked openly, and solutions considered creatively by adoptees and adoptive parents, with the understanding that there is a shared wish to name one's child. This is essential in the ongoing search for solutions that are increasingly tailored to the specific needs of each individual and each family.

**Should the original first name of a child in the process of adoption be changed or should it be retained? The ISS/IRC, for which this is a real question, encourages those working in adoption to focus on the quality of support provided to all concerned persons so that, irrespective of the choice finally made, they can all develop and flourish, both individually and as a family.**

The ISS/IRC team,  
August 2018

---

### Reference:

<sup>1</sup> Examples from Chamot, S. (2017). *Les enjeux du prénom dans l'adoption*. Espace A.

---

## ACTORS IN CROSS-BORDER CHILD PROTECTION

- **Honduras:** Following its accession to the 1996 Hague Convention on 16 October 2017, the latter entered into force in the country on 1 August 2018.

*Source:* Hague Conference on Private International Law.

---

## ISS NEWS

### Practice brief by ISS-USA and CICW to protect families and children affected by recent immigration policy

Given the recent and worrying media coverage of the separation of families at the USA-Mexico border, ISS-USA, together with the [Center on Immigration and Child Welfare](#) (CICW), has published a practice brief for social workers on 'Developing Sustainable Repatriation and Reintegration Programs for Children and Families Separated by Borders'. In the USA, changes in immigration policy, over the past several years, have raised a collective consciousness about the precarious situation that many undocumented and mixed status families face regarding long-term separation. The current situation affects mainly families at the US-Mexico border, in particular El Salvadoran, Nicaraguan, Honduran and Guatemalan citizens, as well as Haitian families with a particular migratory status. ISS-USA, since its creation, supports these families and children through the development of a case management system aimed at their reunification, based on the principle of the child's best interests.

The full brief is available at: <http://cimmcw.org/wp-content/uploads/ISS-Practice-Brief.pdf>.

### ISS in Burkina Faso, Cambodia and Vietnam for children with disabilities

Within the framework of its programme 'A better future is possible', aimed at supporting this group of children, who are particularly vulnerable, in order for the latter to grow up in non-institutional care, ISS worked with the government of Burkina Faso between 23 and 27 July on the implementation of a programme of specialised foster care. A team of three professionals from the public sector and civil society are now an operational team, which benefited from an initial training delivered by ISS on the assessment of children with disabilities, who may be placed in foster care, and on the identification and assessment of families, licensed to care for a child with a disability. A forthcoming training will take place in December 2018 to work on support services, which must be developed to support specialised foster families. ISS is pleased to support the government of Burkina Faso in this unprecedented initiative in the sub-region, and also thanks *Humanité et Inclusion Burkina Faso* for its support in this process.

Furthermore, in Vietnam, ISS is working in cooperation with the Vietnamese government, in order to promote the family reintegration of children with disabilities; the project will begin in September 2018. In Cambodia, discussions are underway with the child protection authorities for the development of small-group care facilities within the community, in order to recreate a family environment for children with severe disabilities.

---

## BRIEF NEWS

### Report on serious violations of human rights in institutions in Guatemala

Disability Rights International, together with *Colectivo Vida Independiente*, have published a report, which continues to reflect the serious situation in residential care homes in the country, just a year after the tragedy in the *Hogar Seguro*, resulting in the death of 41 girls (see Monthly Review No. 210, March 2017). The report also puts emphasis on the risks linked to 'voluntourism' and the worrying living circumstances of children and adolescents with disabilities in out-of-home care. Furthermore, the report reiterates that the main cause for entering institutions is the precarious socioeconomic conditions of the families, and it is therefore of concern that funders continue to support residential care rather than family environments. The ISS/IRC welcomes this report, as it contributes to highlighting various issues of concern, such as voluntourism, in the framework of the current international campaign to put an end to this practice (see Monthly Review No. 223, July 2018), and the living conditions of many children with and without disabilities in residential care.

Source: Disability Rights International and Colectivo Vida Independiente de Guatemala (2018). *Still in Harm's Way: International voluntourism, segregation and abuse of children in Guatemala*. Available at: <https://www.driadvocacy.org/wp-content/uploads/Still-in-Harms-Way-2018.pdf>.

### **New handbook for ending violence against children**

'It is estimated that globally up to 1 billion children are subject to violence each year'. The new report launched by the World Health Organisation and its partners suggests a range of actions to implement the seven strategies to end violence against children, in line with the Sustainable Development Goal 16.2. Those actions includes: Parent and Caregiver support through training in parenting, education and life skills improving children's life and social skills, etc. It targets policy-makers, practitioners and advocates from all sectors. Violence is one of the factors that can lead to family separation. It is incumbent on all professionals to join their efforts to implement the actions suggested by this report – a reading that is highly recommended by the ISS/IRC.

Source: WHO (2018). *INSPIRE handbook: Action for implementing the seven strategies for ending violence against children*. Available in English at: <http://apps.who.int/iris/bitstream/handle/10665/272996/9789241514095-eng.pdf?ua=1>.

### **ACERWC's new General Comment on systems strengthening for child protection**

In August 2018, the African Committee of Experts on the Rights and Welfare of the Child has released its General Comment No. 5 on Article 1 of the African Children's Charter on 'State Party Obligations and systems strengthening for child protection'. In addition to providing general guidance to States on the nature and scope of their obligations under the African Charter on the Rights and Welfare of the Child, this General Comment also explains what system strengthening in child protection refers to. The General Comment is aimed at a variety of actors, including non-state actors when called upon to hold their governments to account for the fulfillment of children's rights as provided in the Charter. With regards to guidance for the development of child protection legislation, the General Comment states that it 'should specify clearly the requirements for declaring a child to be in need of alternative care' and that it 'must provide for an initial and thereafter periodic judicial review of any placement of a child in alternative care'. Finally, the General Comment clearly states that 'State Parties are urged to consider ratification of the Hague Convention on Inter-country Adoption (1993)' as well as other relevant Hague Conventions. The General Comment offers further guidance to African States willing to strengthen their child protection systems, including for children at risk of family separation, in alternative care or in adoption proceedings.

Source: ACERWC General Comment No. 5 on 'State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and systems strengthening for child protection' available at: <http://www.acerwc.org/download/general-comment-no5-on-state-party-obligations-and-systems-strengthening-for-child-protection/?wpdmdl=10475>.

### **Release of report on Third Biennial International Conference on Evolving Trends in Alternative Care for Children in South Asia**

This report is now available, and clearly captures the comprehensive knowledge and existing promising practices in the South Asian region, which were shared during the [Third Biennial International Conference on Evolving Trends in Alternative Care for Children in South Asia](#). The event took place on 16-17 March 2018, and was organised by Udayan Care, in partnership with UNICEF and Hope and Homes for Children, among others. The event was held at Amity University in Delhi and gathered over 200 participants (non-governmental and governmental) from countries, such as Afghanistan, Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka. Presentations and parallel workshops focused especially on family strengthening, gatekeeping mechanisms and quality alternatives to the institutionalisation of children deprived of parental care. During the event, ISS addressed the provision of sustainable quality solutions for children on the move, based on the Guidelines for the Alternative Care of Children, ISS's Manual on Children on the Move as well as its work for the development of the MOOC4COM (see Monthly Review No. 221, May 2018).

Source: The report on the Third BICON is available at: [https://www.udayancares.org/upload/3rd%20BICON\\_Report\\_2018.pdf](https://www.udayancares.org/upload/3rd%20BICON_Report_2018.pdf).

## Childonomics: Initial key findings

As presented in Monthly Review No. 207, December 2016, the objective of the Childonomics initiative is to analyse the inputs, outputs and expected social and economic outcomes, in order to ensure a better quantity and quality measurement and monitoring of resources allocated and services provided. Between June 2016 and December 2017, EuroChild members developed a conceptual framework and a draft methodology. A comprehensive report has now been released on the lessons learnt from Malta and Romania: the Childonomics methodology requires a horizontal and vertical collaboration at all levels; the analysis is intrinsically dependent qualitative and valid data; etc.. In order to improve this methodology, several aspects need to be re-evaluated, such as how to make the best use of results based on weak evidence; to question whether a comparison of services may eventually lead to a certain 'competition'; and how to ensure that a rights-based perspective guides the selection of outcomes. Despite being incomplete, the key findings of the pilot phase made it, once again, clear that outcome-focused interventions, data collection and monitoring systems are crucial to providing cost-efficient and beneficial services to support families and to cater the alternative care options to the specific needs of children.

For further information, see: <https://www.eurochild.org/projects/childonomics/>.

## LEGISLATION

### Changing the first name in adoption: A legal perspective

*'Without a first name, a human being has no legal or symbolic existence'<sup>1</sup>. The law needs to ensure that a first name given to a child in the process of adoption, and any change made to this name, is undertaken in accordance with their rights, as enshrined in the UNCRC, amongst others.*

During the adoption procedure, some countries allow the prospective adoptive parents to change the first name of the child they are adopting. This aspect of the adoption process is regulated by many countries of origin, sometimes subject to certain conditions. Importance is often placed on the child's views. This article offers a brief overview of the international, regional and national frameworks relating to this issue.

#### International perspective\*

The UNCRC (Articles 3, 8.1 and 12) provides safeguards that are applicable to changing the first name of a child during the adoption. For example, as the child's identity must be preserved, including names, it seems essential to ensure that any change is in the best interests of the child. It also means their views should be sought and taken into account – in accordance with their age and maturity – when a change is being considered. This condition is all the more relevant given that, nowadays, most children adopted internationally are older children.

Although the 1993 Hague Convention established some ground rules, it did not include changing the child's first name. However, we

should remember that one of its primary objectives was to establish a system of cooperation between Contracting States. This means that, where a change is being considered to the first name of a child during the adoption, the competent authorities of both countries must ensure that the rights of the child are respected, even if the country of origin has no legal provision on this issue.

In addition, the child's name should not be changed after the adoption decision has been issued, in order to avoid the country of origin being informed and the certificate covered by Article 23 no longer being valid.

Sometimes, the change of first name may be not undertaken at the request of the adoptive parents or the child, but solely because the authorities of the receiving country refuse to register the name as they do not recognise it. In this situation, it would seem contrary to the principle of cooperation for a receiving country to accept the adoption of a child from another country, but to refuse to acknowledge certain aspects of their identity.

#### Regional perspective



The European Court of Human Rights<sup>2</sup> has issued several rulings on first names, emphasising their private nature. Meanwhile, the European Court of Justice<sup>3</sup> has decided that it is not in the interests of a child to have different names depending on what State they are in.

### Domestic perspective

At this level, there is some freedom of choice in changing the first name of a child in the process of adoption.

In terms of countries of origin, some grant the adoptive parents this option once the adoption has been declared (e.g. Brazil, Colombia, Georgia, Hungary – in exceptional circumstances, Kyrgyzstan, Sri Lanka, Ukraine).

However, some domestic legislation imposes conditions on changes to the first name, such as in Sri Lanka where there is a particular focus on the cultural perspective in relation to the adopted child's new living environment. For example, Sri Lankan law allows the adoption decision to include granting the child the first name of the adopter or, interestingly, a first name reflecting the customs in the adopters' place of residence.

In terms of receiving countries, in Switzerland<sup>4</sup>, for example, the authorities transcribe the foreign decision with the first name as given in it. In Belgium<sup>5</sup>, the parties can request the court's permission to amend the adoptee's first names when the adoption is approved. In France<sup>6</sup>, the first name can be changed in the case of a full adoption before the court in charge of adoption procedures. It should be noted here that it remains important for the country of origin to be informed of the change, as mentioned in the first paragraph of this article. In

South Australia, it is no longer possible to change the first name of an adopted child, unless it is offensive or inappropriate, or if a child in the adoptive family already has the same name. In these cases, the child's second name or a name that is meaningful to them will be selected<sup>7</sup>.

Lastly, it is also important to address the long-term issue of the change of first name: for example, what happens if the adoption fails? In such situations, where the adoptee's first name has been changed, should the law of the receiving country not allow the adoptee to reclaim his or her original name? This approach could, in fact, provide a means of reconciliation or reconnection with a part of oneself.

### Child participation

Some domestic legislation provides for the need to take the child's views into consideration when changing their first name, with or without an age limit, as for example in Haiti or El Salvador. However, in Georgia, a change to the first name of a child aged under 10 depends on their health and maturity, while for children aged 10 or over, the court will take the child's views into account.

Sometimes, the law goes further and grants the child a decisive role. This is the case in Kyrgyzstan, where a child aged over 10 must agree for his first name to be changed. This age limit is set at 12 years in Belgium, Brazil and Croatia, while it is set at 13 in France. The benchmark age is much lower in some countries, such as Colombia, where the first name can only be changed if the child is under the age of three. Above this age, the child must agree to the change (see p. 10).

**In some cases, the child's original first name may be the only mark of their origins. It therefore seems crucial for changes in first names to be regulated, both by countries of origin and by receiving countries, in order to safeguard the rights of the child, as recognised in the UNCRC, and to encourage cooperation, such as advocated by the 1993 Hague Convention, in resolving any potential issues.**

---

### References:

\* This paragraph has been drafted by Capucine Page, Legal Assistant at the Hague Conference on Private International Law. The views expressed in this article are those of its authors and do not reflect those of the Hague Conference.

<sup>1</sup> Lemieux, J. (2013). *La normalité adoptive – Les clés pour accompagner l'enfant adopté*; p. 440.

<sup>2</sup> *Guillot v. France*, 22500/93, 24 October 1996.



<sup>3</sup> Grunkin-Paul, C-353/06, 14 October 2008. Although this ruling refers to a surname, it seems plausible it could be extended to a first name.

<sup>4</sup> See: [https://www.bj.admin.ch/dam/data/bj/gesellschaft/zivilstand/weisungen/prozesse/33\\_2-f.pdf](https://www.bj.admin.ch/dam/data/bj/gesellschaft/zivilstand/weisungen/prozesse/33_2-f.pdf).

<sup>5</sup> See Article 360 of the Civil Code, available at: [http://www.ejustice.just.fgov.be/cgi\\_loi/arch\\_a1.pl?caller=archive&cn=1804032130&language=fr&tri=dd+AS+RANK&fromtab=loi&value=&la=F&ver\\_arch=016](http://www.ejustice.just.fgov.be/cgi_loi/arch_a1.pl?caller=archive&cn=1804032130&language=fr&tri=dd+AS+RANK&fromtab=loi&value=&la=F&ver_arch=016).

<sup>6</sup> See: <https://www.justice.fr/fiche/adoption-pleniere-consequence-nom-famille>.

<sup>7</sup> See:

[https://www.legislation.sa.gov.au/LZ/V/A/2016/ADOPTION%20\(REVIEW\)%20AMENDMENT%20ACT%202016\\_64/2016.64.UN.PDF](https://www.legislation.sa.gov.au/LZ/V/A/2016/ADOPTION%20(REVIEW)%20AMENDMENT%20ACT%202016_64/2016.64.UN.PDF).

## PRACTICE

### Light on the concept of gatekeeping

*Dr Chrissie Gale, International Lead at CELCIS, University of Strathclyde, provides us with an explanation of the concept of 'gatekeeping' and the importance it plays in the realisation of the UN Guidelines for the Alternative Care of Children and upholding the 'necessity' and 'suitability' principles.*

**G**atekeeping encourages States to develop policy, systems and services that ensure children are only removed from the care of their own family if absolutely necessary – the 'necessity' principle. If such a need is identified and justified, the Guidelines require the most suitable form of alternative care be provided in a manner that promotes the child's full and harmonious development and meets their individual needs, circumstances and wishes – the 'suitability' principle. Further details of these principles can be found in the handbook written to accompany the UN Guidelines, *Moving Forward*<sup>1</sup>. Gatekeeping is a set of mechanisms and processes that help us uphold these two principles.

Gatekeeping is a set of mechanisms and processes that help us uphold the 'necessity' and 'suitability' principles.

#### Gatekeeping mechanism

Gatekeeping mechanisms allow all those responsible for the care and protection of children to make well-informed decisions and responses that are in the best interests of the child. In simple terms, it is a process that should ensure rigorous and well-informed decision-making for each child and the upholding of the 'necessity' and 'suitability' principles. This also means gatekeeping practices should ensure children leave alternative care as soon as possible.

So that gatekeeping can be fully realised, the following mechanisms and processes should be integral to any national child protection and care system:

▪ **Legal and policy framework:** A comprehensive range of national laws and policies and strategic plans should clearly mandate for the different roles and responsibilities of all stakeholders to uphold a child's right to the best possible protection and care. They should also provide for a range of suitable alternative care options to be made available.

▪ **Coordination and oversight:** This requires a lead organisation as, for example, a government ministry or other recognised statutory body, to be accountable for the development, quality, delivery and monitoring of gatekeeping mechanisms. A nominated body should also take a lead role in the oversight and coordination of all those involved in child protection and alternative care.

▪ **Resources:** Sufficient financial, human and other resources must be made available for the development and delivery of a well-functioning child protection and care system at national and local levels. This includes people who are well trained and have the necessary skills, attitudes and knowledge within different professions, including social services, education, health, police, the judiciary and other relevant service providers. Gatekeeping requires an interdisciplinary approach to child protection, including care decision-making and service delivery.

▪ **Technical guidance, tools and procedures:** These should provide direction and methodology for the quality and effective implementation of all aspects of the gatekeeping process, including child and family assessments, referral to, and planning for, support services and/or care placement and regular review of a child’s situation. Procedures should also govern the quality, functioning and monitoring of different alternative care services.

▪ **A continuum of services:** This is necessary to both prevent and respond to the protection and care needs of children. This includes a range of community-based support services being available for children and families to prevent separation. It is also essential that a range of family-based and family-like alternative care options are available.

▪ **Information management and data collection systems:** These are important in identifying, analysing and addressing local and national trends and challenges relating to the care of children. They are also essential for monitoring both, the situation of individual children’s cases as well as national actions.

▪ **Social norms, attitudes and practices:** These should reinforce the effective protection and care of children. This includes challenging negative and building on positive attitudes that

contribute to a protective environment for children and their best possible care.

### Monitoring and improving gatekeeping

As a result of an inter-agency initiative, a tool, known as ‘Tracking Progress’, has been developed to monitor the implementation of the UN Guidelines for the Alternative Care of Children – including components of gatekeeping (see Monthly Review No. 189, February-March 2015).

Many countries have achieved significant progress in improving gatekeeping within child care systems. For example, the use of gatekeeping mechanisms has been very instrumental in decreasing reliance on alternative care and the closure of large residential institutions as a result of better family support, prevention of separation and family reunification.

Examples of countries working to improve gatekeeping can be found in the Better Care Network and UNICEF publication *Making Decisions for the Better Care of Children*<sup>2</sup>. This includes case studies from Moldova, where the Government has established a Gatekeeping Commission, and from Rwanda, where the development of decision-making tools and community child protection mechanisms have contributed to a national deinstitutionalisation programme.

**Many challenges remain despite the improvements; and one particularly important message to all those responsible for gatekeeping is that sufficient resources must be made available for the development, improvement and quality of the gatekeeping components outlined above. Each component cannot function without the other: all are necessary if we are to develop and maintain strong child protection and child care systems in each of our countries.**

---

### References:

<sup>1</sup> Cantwell, N., Davidson, J., Elsley, S., Milligan, I., Quinn, N. (2012). *Moving Forward: Implementing the ‘Guidelines for the Alternative Care of Children’*. UK: Centre for Excellence for Looked After Children in Scotland. Available at: <https://www.alternativecareguidelines.org/Portals/46/Moving-forward/Moving-Forward-implementing-the-guidelines-for-web1.pdf>.

<sup>2</sup> Better Care Network and UNICEF (2015). *Making Decisions for the Better Care of Children: The role of gatekeeping in strengthening family-based care and reforming alternative care systems*. Available at: [https://www.unicef.org/protection/files/UNICEF\\_Gatekeeping\\_V11\\_WEB\\_\(003\).pdf](https://www.unicef.org/protection/files/UNICEF_Gatekeeping_V11_WEB_(003).pdf).

---

## INTERDISCIPLINARY RESOURCES

### School integration while in care: Believing in the potential of every child

*In June 2018, SOS Children's Villages France published a brief report<sup>1</sup> on the lessons learnt from its Pygmalion programme, which aims to create an environment around the child that is conducive to a successful education.*



School is seen as providing the ‘best chance to move forward’, but what makes an education successful or a failure? This new publication prompts us, among other aspects, to rethink the words we use; for example, using the terms integration or reintegration in education, rather than abandonment. The concept of ‘successful education’ is also redefined as being ‘as much about development through training, that leads to a chosen qualification and to self-confidence and trust in others, as about the level of grades and qualifications’.

### Facts and statistics

It is well known that early experiences in a problematic family environment have an effect on a child and their development, and are risk factors for their education. This specific vulnerability is reflected in the limited statistics available. For example, in 2008, 80 per cent of children aged 11 were in the first year of secondary school, but for children of the same age group, who are placed in care, 50 per cent were still in primary school, and 11 per cent were attending special classes, where they were overrepresented. At the same time, 78 per cent of children in residential care were following vocational training, compared to 33 per cent of young people in upper secondary education.

### A change of paradigm

The duration and stability of a placement are positive factors for the successful education of a child in care. However, this continuity factor can be undermined where care ends at the age of 18 or 21 years, effectively reducing educational prospects and plans for future studies. Policies of awarding grants and financial loans, as common in northern Europe, should be encouraged to reduce inequalities that can lead to a form of self-limitation by the young person in care.

At the same time, both, care professionals and education professionals, have a role to play, which includes being aware of the impact of their perception of the child. This awareness can be fostered through policy, in professional training,

such as provided in Denmark and at Children’s Villages. This training also enables discussion between professionals on the topic of education; as in many fields, dialogue provides enrichment.

### Creating conditions for success

‘The key challenge in creating conditions for success, in the context of a placement, lies in broadening horizons and in developing an educational community, involving all the significant adults – from the child’s school to their family.’ These various actors in the child’s life need to overcome any problems that may arise in establishing effective and ongoing communication with the school, to ensure the child receives consistent messages about their education (see Monthly Review No. 204, August 2016). Such collaboration also means closer attention is paid to the child’s personal circumstances, in supporting their education. Moreover, this support should be in conjunction with a personalised plan, which is central to the Pygmalion programme.

### Working with parents and the wider family

The parents of a child in care can also contribute to the child’s successful education, with the understanding that this parental involvement needs to be tailored, and is not to be recommended in all situations. However, where appropriate and with suitable preparation, this input can have a calming effect on the child and provide some continuity between their daily life in care and their visits home.

Lastly, the wider family should not be overlooked as a resource for the child, although care should be taken not to create tensions between the different actors in the child’s life.

To help parents achieve a successful placement or adoption, it is worth highlighting tools, such as the recent BAAF publication *The adopter’s handbook on education* and the guidelines issued in Italy on the right to education for adopted children (see Monthly Review No. 202, May-June 2016).

**School provides a pathway to the future, for all the world’s children. The best conditions need to be provided for this journey; this involves considering the individual needs of each child, including the specific vulnerabilities that may result from their family environment. The education of adopted children**

and those in care should be subject to ongoing research and to the development of tools to provide training and guidance to those, who are teaching the adults of tomorrow.

#### Reference:

<sup>1</sup> SOS Children's Villages France (2018). *Les cahiers de SOS Villages d'enfants: Accrochage scolaire en situation de placement. Croire au potentiel de tous les enfants*. Available in French at: <https://www.sosve.org/wp-media/uploads/2018/07/Les-cahiers-SOSVE-n%C2%B08-bd.pdf>.

## IN THE WORDS OF ADOPTEES

### The issue of first names in adoption

*Sitara Chamot has a Master's degree in Social Work and is a Consultant for the Swiss organisation Espace A. In this article, she summarises the findings of her research into the legal and social implications of a child's first name<sup>1</sup>, in the course of which she interviewed many adopters and adoptees.*

Some adoptive parents choose to retain their child's original first name. Others prefer to change it. Although a person's first name is always meaningful, there are multiple strategies for building an identity. Children are often renamed upon adoption. However, the significance of the choice of a first name seems to be underestimated by professionals, who often take extreme positions on this. Those who are 'for' it argue that the change helps the transplanted and the feeling of belonging to the family; those who are 'against' it advocate for continuity in the child's life and regard for their origins.

#### Legal and social implications

In all countries, naming has legal and social implications. Without valid civil status, a child has no legal or social existence. There is an overlap between identity and name, even before considering the associated psychological aspects (see p. 11). The first name may be a matter of choice but it is linked to, or even bound by, customs and traditions, events surrounding the birth, peculiarities of time and space. It may originate from traditions that allow, or even require, it to be changed to reflect life events (puberty, marriage, etc.) or choice (singers, writers, transgender people, etc.). A change of first name may indicate a break with the past or symbolise a fresh start.

#### A social and cultural dimension

From an anthropological perspective, a first name holds great significance for a given society. It reflects the language, history and development

of the culture concerned. The person who gives it, and the way in which this is done, tells us about the society. It distinguishes an individual as indelibly as skin colour: it relates to culture and environment<sup>2</sup>.

In our contemporary societies, unlike the surname, which is passed on as prescribed by law, a first name is bestowed by 'choice'. This choice is however relative, as the people involved at the birth of a child are still limited or even constrained by social and personal norms. The first name is one of the first choices the parents make for their child. It is both specific to the individual and external to him, by the very fact that it has been bestowed on them.

Upon adoption, a child has a customary first name, which they were called by their birth parents, wider family, nanny, residential care staff, and anyone else, who took care of them during the days, months or even years before they were adopted. Sometimes, the child has even had several first names before adoption: an initial one given by their birth parents, another if they were found in a public place, perhaps yet another in residential care or due to twists of fate. This original first name, thus, has a history, which may recall a difficult past. What should happen to this first name when the child is adopted? Is it an abuse to change a child's first name or, on the other hand, is it logical for adoptive parents to retain it at all costs out of respect for the child's origins? How should we manage the process of building a blended identity for this child, who has experienced various disruptions, sometimes reflected in their

first name? How does the adopted child handle the change or preservation of their first name?

### The experience of adoptees

Many adoptees reflect on the issue and sometimes find this disconnect with their origins abusive or upsetting, as it was done without their consent. For others, it is no big issue. An adoptee's first name has another significance in that it may be the only mark of their pre-adoption identity and the only clue in a search for origins in the case of full adoption, where all ties have been severed with the birth family. **Varuna's first name is very important to her; it was given to her by her birth mother and is the only 'thing' she has left of her.**

When these adoptees become adults, does their personal experience affect the choice of first names for their own children? For some, this goes without saying; but for others, not at all. Some choose, like their parents, to give their child several first names, including the one from

their country of origin. **Sabine found a creative solution in giving her daughter several first names, including her own middle name. We can imagine that, for her, this is the equivalent of passing on a surname.** When asked, most adoptees respond that they like their first name, whatever it is. They assimilate the name chosen by their parents and make it their own, to the point of feeling that it is what they would have wanted anyway.

### Multiple strategies for identity building

Upon adoption, parents have several options: retain the first name and give an additional one to be placed second; or the other way round; invent composite or adapted first names, etc. The aim of this research is not to decide for or against changing first names, but to demonstrate the need to think it over as there have been, and may be further, paradigm shifts in practice.

**Although trends vary depending on context, it is still the personal choice of the adoptive parents whether to change the first name of their adopted child. The story of the name, like that of the child, may involve twists and unknown elements. At every stage, parents and children create their own strategies for living and building their identity around a first name, whatever it is.**

---

### References:

<sup>1</sup> Chamot, S. (2017). *Les enjeux du prénom dans l'adoption*. All the research is available in French upon request at: info@espace-a.org.

<sup>2</sup> Bibliography:

- Clerget, J. (2001). Son nom de fils dans la cité des pères. *Spirale*, 2001/3 No. 19, pp. 27-39.
- Lévy-Soussan, P. (2010). *Destins de l'adoption*. France: Fayard.
- El Khayat, R. (2001). L'apposition du prénom au Maroc, Approche multiple. *Spirale*, 2001/3 No. 19, pp. 65-76.
- Sangoï, J-C. (1985). La transmission d'un bien symbolique : le prénom. *Terrain*, 4 March 1985.

---

## READERS' FORUM

### Identity and origins – Are they the same thing? Some thoughts on the name of the child in the adoption process

*Leonardo Gálvez, holder of a Master's degree and specialised in Legal Psychology, Family Law and Adoption expert in Chile, shares his perspective on the difference between identity and origins, and its effect on the name of the child in adoption and its potential change.*

The name of the child raises many questions. Should the name given by the birth parents be maintained? Is one name more important than the other? If the name of a child is changed, should the original name be known to the child? The answers to these questions are sought on a

case-by-case basis. However, a standard solution is often sought for the sake of a moral imperative – the right of the child to know their origins (UNCRC, Art. 7). According to some practitioners, the decision to change a child's name is technically incorrect, while others hold the

opposite view. Nevertheless, from the perspective of the competing rights of the child and the adoptive parents, it is the parents, who decide how to ensure the child's care and identity within the family structure.

### What does the name mean to a child?

A name has a twofold function, as giving somebody a name implies granting them with a quality that will shape their identity. In the case of a child, we may begin by asking what does the name mean to the child. This question is especially important if the child is aware of their name, as that amounts not only to their background but also to identification. The story of the child's name should not go about the meaning the child ascribed to the name – as, in that case, it would become a burden in terms of their identity, rather than a healthy element within the family group. On the other hand, the family should be mindful of the child or adolescent's timing in this regard.

In some cases, families that change the child's name have received indications as to how to care for the child's origins. In their story to the child, families may for example consider the following: 'Yes, we changed your name, but we have not forgotten the name your birth parents gave you'. This approach reduces the denial of 'the past situation', with a view to being able to decide in the future with the child whether they would like to recover that name or, in any case, have the certainty that the parents did not attempt to conceal the child's past. In some cases, parents give a name to the child 'as a gift', which gains importance as a first gesture, giving more meaning to the change of name, as it implies a new identity for the child with the adoptive family and as a person.

Thus, the name of a child may cause tension around the adoption, but it is not always the case for the child. The change or break with the child's origins might come as professional apprehension. Nevertheless, the story itself is not an identity.

### Are identity and origins the same thing?

Based on the experience of working with children and adolescents – despite common features – identity and origins appear to be different when understanding a person. On the one hand, **identity** encompasses a range of

temporary, repeated and intersubjective features integrated by a person. A simple example is a person, whose family has certain kinds of habits, such as appreciating order in the house, sharing with relatives, etc. These habits are ingrained in their way of life, in such a way that those repeated experiences become family features. We may also add temperament and legal aspects. In Chile, the Law on Parentage (Law No. 19585) integrates the rights related to the parent-child identity, the role of the parents with their social duties which, at the same time, imbue the child with an identity provided by the surnames, which build each person in the family.

On the other hand, the child's **origins** may represent the beginning of a family story or construction, from the place where the child was born to the story of the birth family. This does not in itself make up an identity, rather a fragment of a person's past. Drawing a distinction between the story of the birth family and the memories of the adopted person at an emotional level serves as an example. A person's origins are integrated by explicit information such as the information of the family (names, place of birth, etc.), as well as the reasons why they were unable to continue caring for the child. Memories interact with the person's past, but such interaction takes place in the present<sup>1</sup>, which is why it is in the present that the child develops what they define as their own identity. In other words, a person's origins may be a part of their identity, but not THE identity itself.

### Impact on the name of the child and its change

This distinction, which has not yet been reflected in the discussions about Chile's framework legislation on children's rights<sup>2</sup>, may serve as guidance when considering the name and the holder, and when discussing children's rights, given that a family may change the name of the child for various reasons (esthetic reasons, a wish to 'give the child a name', fear that the child may be found on social networks given their unusual name, etc.). However, the child – as an adult – will, in one way or another, have access to information relating to their situation prior to the adoption, given that even if the adoptive parents did not communicate it, they will benefit from the protection of their civil rights as contemplated in the law on adoption<sup>3</sup>. Thus, is

imposing one name or another on the child in itself of any value? The answer to this question should always be determined in the light of the context, the age of the child, their own interests and views, as, ultimately, it is the person holding the name, who chooses how they are to be named, regardless of the name on their legal identity documents.

### The voice of the child in adoption

In accordance with Article 12 of the UNCRC, the child has a right to be heard. It is vital to underline this element in adoption procedures. It is a fact that the child is not always directly present in all stages of the adoption process, but it is important to consider that the child is at the centre of the approaches in all psychosocial and legal interventions.



The technical and legal aspects may be guided by the necessity and suitability principles set forth in the Guidelines for the Alternative Care of Children (see p. 7). Both principles are useful guidance during the entire process. Nevertheless, we must watch out for static concepts. What is suitable for the child? What are their specific needs?

The family should be prepared for numerous outcomes, as elements which lead to a successful

attachment process in one case may not do so in another. The experiences of adoptive families are vital to support the voice of the child, as well as the voice of the adoptive family. These elements enable a secondary resilience, for both adults and children<sup>4</sup>.

### The identity of the family group

The meeting point for the child and the family lies in the fact that both are obliged to deconstruct their concept of a family. Adopting new concepts of what it means to be someone's child and what it means to be parents will shape the identity of the family group, and will ultimately allow the voice of the child – in its demands to the birth family and later to the adoptive family within legal proceedings – to be heard. The child will therefore be able to continue developing as a person.

These elements intertwine to reflect what the voice of the child represents in the construction of their identity through a name. As the parents undergo preparation and become familiar with what 'receiving a name' means, they will be able to provide the child with an environment where the latter can create an identity with a new name – which is both part of the child's previous story as well as of their adoptive family.

**Regardless of the name used by the child on a daily basis, the adoptive family is and shall be the one, who carries the various meanings of the child's original or new name. This is so because, even if a child's origins are not a synonym of their identity, they are indeed part of their life and development as a person.**

---

### References:

<sup>1</sup> Cyrulnik, B. (2003). *El Murmullo de los Fantasmas: Volver a la vida después de un trauma*. Barcelona, Spain: Gedisa.

<sup>2</sup> Congreso Nacional (2015), Boletín No. 950-363/ Proyecto de Ley de Sistema de Garantías de los Derechos de la Niñez. Chile.

<sup>3</sup> Congreso Nacional (1999). *Ley 19.620 que dicta normas sobre adopción de menores*. Chile.

<sup>4</sup> Gonzalo, J. and Pérez-Muga, O. (2012). *¿Todo niño viene con un pan bajo el brazo? Guía para padres adoptivos con hijos con trastorno del apego* (2<sup>nd</sup> edition). Sevilla, Spain: Desclée De Brouwer.

---

## FORTHCOMING CONFERENCES AND TRAININGS

- **Belgium:** *La construction identitaire des enfants dans la configuration homoparentale : enjeux et ressources?*, Octoscope and Direction de l'Adoption – ACC, Brussels, 19 October 2018. For further information, see: [http://www.adoptions.be/index.php?eID=tx\\_nawsecuredl&u=0&g=0&hash=91e23e8cc4f91491f3b](http://www.adoptions.be/index.php?eID=tx_nawsecuredl&u=0&g=0&hash=91e23e8cc4f91491f3b)



[61c56932089804f9aa6ea&file=fileadmin/sites/saac/upload/saac\\_super\\_editor/saac\\_editor/images/Actualites/annonce\\_soiree\\_debat\\_du\\_19\\_octobre\\_2018\\_1 .pdf.](http://www.iss-irc.org/61c56932089804f9aa6ea&file=fileadmin/sites/saac/upload/saac_super_editor/saac_editor/images/Actualites/annonce_soiree_debat_du_19_octobre_2018_1.pdf)

- **China:** *Asia family Placement Conference : Strengthening Families for a Brighter future*, Care for Children – Family First in Asia, Shanghai, 20-25 October 2018. For further information, see: <http://www.careforchildren.com>.
- **Croatia:** *Building a better Europe with children: All aboard!*, EuroChild Conference, Opatija, 29-31 October 2018. For further information, see: <https://www.eurochild.org/events/eurochild-conference-2018/>.
- **France:** **a)** *Entre grand large et parcours côtiers: l'accueil familial peut-il répondre à tout ?*, Association nationale des placements familiaux (ANPF), 27<sup>th</sup> National Research Days, Saint-Malo, 4-5 October 2018. For further information, see: <http://www.anpf-asso.org/agenda/27e-journees-nationales-detudes-saint-malo-2018/>; **b)** *L'expression de l'enfant*, National Congress, Enfance & Familles d'Adoption (EFA), Mulhouse, 13 October 2018. For further information, see: <https://www.adoptionefa.org/congres-national-efa-le-samedi-13-octobre-a-mulhouse/>; **c)** *Les différentes cultures autour du berceau*, COPES, Paris, 8-9 October and 15-16 November 2018; **d)** *Les migrants et leurs familles : travailler "l'entre-deux"*, COPES, Paris, 15-18 October 2018; **e)** *Dysparentalité : Accompagnement des familles en grande difficulté*, COPES, Paris, 19-20 November and 10-11 December 2018; **f)** *Une histoire pour se construire : accompagner le récit de vie de l'enfant placé*, COPES, Paris, 21-23 November 2018; **g)** *Handicaps et cultures*, COPES, Paris, 21-23 November 2018. For further information, see: <http://www.copes.fr>; **h)** *L'importance des paroles adressées à l'enfant*, Pikler Loczy, Paris, 8-9 October and 12-13 November 2018; **i)** *Cet enfant qui nous déborde*, Pikler Loczy, Paris, 15-16 November and 6-7 December 2018. For further information, see: <http://www.pikler.fr/>.
- **Spain:** *VIII Congreso Mundial por los Derechos de la Infancia y Adolescencia*, University of Málaga and partners, Málaga, 5-9 November 2018. For further information, see: <https://viiicongresomundialdeinfancia.org/en/>.
- **Switzerland:** **a)** *Devenir parent d'un enfant grand*, Conference, Espace A, Geneva, 4 October 2018. For further information, see: <http://www.espace-a.ch>; **b)** *Pour une participation réelle et effective des enfants : quels outils ?*, Conference, Institut international des Droits de l'Enfant (IDE), Geneva, 13-14 November 2018. For further information, see: <http://www.childsrights.org>; **c)** *Familles adoptives et familles d'accueil – la vie entre normalités et crises*, Symposium, PACH Pflege- und Adoptivkinder Schweiz and partners, Zurich, 15-16 November 2018. For further information, see: [https://pa-ch.ch/wp-content/uploads/2018/06/Adoptionstagung-Veranstaltung\\_F.pdf](https://pa-ch.ch/wp-content/uploads/2018/06/Adoptionstagung-Veranstaltung_F.pdf).
- **United Kingdom:** **a)** *The roles and responsibilities of supervising social workers in supporting foster carers*, CoramBAAF, London, 12 October 2018. For further information, see: [https://pa-ch.ch/wp-content/uploads/2018/06/Adoptionstagung-Veranstaltung\\_F.pdf](https://pa-ch.ch/wp-content/uploads/2018/06/Adoptionstagung-Veranstaltung_F.pdf); **b)** *Tackling Human Trafficking*, Professional certificate, International Centre for Parliamentary Studies, London, 26-30 November 2018. For further information, see: <http://humantrafficking.parlicentre.org>.

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.

**EDITORIAL COORDINATION:** Cécile Jeannin

**EDITORIAL BOARD:** Christina Baglietto, Cécile Jeannin

**DRAFTING COMMITTEE:** Christina Baglietto, Laurence Bordier, Mia Dambach, Juliette Duchesne, Cécile Jeannin, Marie Jenny, Amanda Christine Lowndes, Lisa Robinson and Jeannette Wöllenstein. In particular, we are very grateful for the contributions drafted by Sitara Chamot, holder of a Master's degree in Social Work and Consultant at the Swiss association *Espace A*; Dr Chrissie Gale, International Lead, CELCIS, University of Strathclyde; Leonardo Gálvez, teacher/specialist in Psychology, in Family Law and adoption in Chile; and Capucine Page, Legal Assistant at the Hague Conference on Private International Law.

**DISTRIBUTION:** Liliana Almenarez

