



# Monthly Review

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*'All human beings are born free and equal in dignity and rights.'*

**Happy Holidays for the end of this year, whichmarks the 70<sup>th</sup> anniversary of the UniversalDeclaration of Human Rights!**

*'An infant does not become a Man, he already is one'*

**Janusz Korczak**



## EDITORIAL

### A tribute to our past 25 years and a look to the future

*As it marks its 25<sup>th</sup> anniversary, the ISS/IRC would like to express its warm thanks for the loyalty and trust shown by Central Authorities and all partners, who have supported it from the start, or more recently.*

The International Reference Centre for the Rights of Children Deprived of their Family (ISS/IRC) was born out of the perseverance of its founder, Chantal Saclier, and her determination to guarantee the right of every child to grow up in a family environment that enables them to fully flourish. The ISS/IRC is delighted to be currently celebrating 25 years of existence, alongside the Convention on the Rights of the Child (UNCRC) and the Universal Declaration of Human Rights, which have just marked their 29<sup>th</sup> and 70<sup>th</sup> anniversaries respectively. Thanks to Chantal Saclier's visionary spirit, and her philosophy of sharing, dialogue and mutual enrichment that crosses cultural, geographical and professional boundaries, the ISS/IRC has been growing steadily since 1993. Now that the organisation is a young adult, with the benefit of experience, this is a good opportunity to look to the past in order to better understand the future. In blowing out the candles on our 25<sup>th</sup> birthday cake, we would like to make a wish to renew our commitment more strongly than ever.

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## Early years

While the world was experiencing high levels of intercountry adoption, without the support of an international legal framework, Chantal Saclier was involved in preparatory work for the 1993 Hague Convention, which would go on to be ratified in more countries than any other Hague Convention. She emphasised the importance of the subsidiarity principle in adoption and its multidisciplinary perspective, the psychosocial needs of children and families, the need to prepare and support them in this life journey, and the need to safeguard practices shown to be subject to serious abuses on the ground.

Since the adoption of this crucial convention, the ISS/IRC has been consistently equipping professionals, from governmental and non-governmental authorities, to move its implementation a little further forward each day. From the start, its work has included supporting countries of origin, such as Romania, which was visited by Chantal Saclier in the company of Hans van Loon, then Secretary General of the Hague Conference on Private International Law (HCCH), and Nigel Cantwell, International Consultant and founder of Defence for Children International (DCI), who was actively involved in drafting the UNCRC. Their mission was to support the Romanian Central Authority in designing and implementing legal and practical reforms to its child protection system and adoption system. The varied day-to-day activities of the ISS/IRC also include its Ethical Manifesto, Monthly Reviews, thematic factsheets, routine analysis and advice, training, conferences, advocacy and field visits.

## Developing and flourishing

Over the years, the ISS/IRC's activities have continued to grow, to adapt to the changing environment in alternative care and adoption, and to better address the needs expressed by the Central Authorities that fund and support it. There is continuing demand for the ISS/IRC to share its expertise in protecting children deprived of their family. One of the highest points in these first 25 years was the creation of the Guidelines for the Alternative Care of Children, which culminated in endorsement by the United Nations in 2009. The issue of protecting of children separated from their families was at last given proper recognition by the international community. This was followed by key activities to ensure implementation of this tool, such as publication of the guide *Moving Forward: Implementing the Guidelines for the Alternative Care of Children* and the launch of the first Massive Online Open Course (MOOC), which has been accessed by 12,000 people to date.

Over recent years, the ISS/IRC has also developed a series of guides covering complex situations, such as illegal adoptions, adoption breakdowns and the root causes of abandonment, which had not previously been addressed at the international level. These achievements and lessons learned will be built on, revisited, and perhaps challenged, over the next 25 years.

## Looking to the future with confidence

The ISS/IRC and its partners are facing considerable challenges given the speed of technological, political, economic and social developments and of migration, which have a major impact on children, young people and families. The increasing resort to surrogate mothers, and other medically assisted reproduction techniques not subject to international monitoring, and the constant need to rethink child protection interventions and tailor them to the diverse profiles of children and families, are just some of the challenges requiring States to constantly adapt by revising their laws and practices. The ISS/IRC continues to be approached by numerous countries, which have declared their commitment to a more robust child protection

system that focuses on prevention, support and skills-building for children and families, the cornerstones of our societies. The ISS/IRC is determined to put its passion and energy into sustaining and deepening its lasting relationship with partners and future partners among Central Authorities, international organisations such as UN agencies and the HCCH, as well as all the other actors, with which it has the privilege of collaborating to achieve its noble goals for children and families.



Together, we will address the challenges, however major, while continuing to listen to those whose rights we defend on a daily basis. Children's words, gestures and emotions provide us with a compass to find our way. By listening to children and being mindful of their abilities, we will improve the present and work with them to build a happy future.

The ISS/IRC team, December 2018

## ISS NEWS

### ISS in Lebanon: Training on alternative care



From 3 to 4 December 2018, ISS provided a training session on best practices in alternative care to a team of social workers from ISS Network Member, *himaya*. The training was in response to a need to upskill social workers, specifically on foster care and kinship care, in light of a pilot programme that will be launched over 2019 that will see *himaya* supporting foster and kinship placements in a country that is otherwise heavily reliant on residential care. Participants of the training also included child protection workers from UNICEF and Save the Children, the latter having partnered with *himaya* on this project. One participant noted that the training gave her a 'deep idea about the alternative care system', and another that this was 'the first step' towards moving away from residential care.

### ISS in Marrakech to support key messages of the Global Compact on Migration

Given that migration is a core part of ISS's mandate since 1924, the General Secretariat and ISS Switzerland represented the ISS network at the [UN Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration](#) on 10 December in Marrakech. Over the last two years, ISS and its partners in the [Initiative for Child Rights](#) have been actively advocating for the rights of children on the move. ISS wholeheartedly supports the message that the Global Compact on Migration aims, first, to ensure that migrants can enjoy human rights, as stressed by the UN Secretary-General Guterres in his opening speech: *a child is a child first*.

### International experts meet in The Hague to progress efforts towards protecting children in surrogacy



International multidisciplinary experts met from 5 to 8 December 2018 to progress efforts towards protecting the rights of children in surrogacy arrangements around the world by drafting international principles. The experts were hosted by the [International Institute of Social Studies](#), under the auspices of the [International Social Service \(ISS\)](#). The principles have received the formal support of the UN Special Rapporteur on the Sale and Sexual Exploitation of Children, Ms Maud de Boer-Buquicchio, who called in her [2018 report to the UN Human Rights Council on surrogacy](#) for the international community to support the further advancement of the draft principles. The draft principles seek to provide practical guidance to States and other actors involved in surrogacy, to address these specific childrights issues. ISS and the Core Expert Group will continue to refine the text of the principles based on the feedback received at the meetings in The Hague, with a view to seeking further international support for the principles. A series of regional consultations are also planned, to ensure that contributions from all regions of the world to the shaping of the principles occur. For further information, please contact: Mia

Dambach, Director of the ISS/IRC, [mia.dambach@iss-ssi.org](mailto:mia.dambach@iss-ssi.org).

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## NEWS IN BRIEF

### A Dutch Court of Appeal recognises the right to obtain all adoption-related information for illegally adopted persons

On November 13, 2018, the Hague Court of Appeal ruled in an illegal adoption case concerning an adoptee who had been adopted from Brazil in 1980 by a Dutch couple. The latter had forged his birth certificate and declared him as being their biological son. In 2011, the concerned adoptee was able to trace some members of his biological family in Brazil. His adoptive parents had provided the adoptee with little information on his “adoption” circumstances, which is why the adoptee decided to seek justice to have his identity rights restored. The Hague Court of Appeal ruled indeed in his favor and found that the right to information about one’s origins, as foreseen by the CRC, was broader in the case of illegally adopted persons. Such right includes, *inter alia*, information on how the illegal adoption took place, criminal investigations into the illicit adoption and reports of possible child trafficking. The ISS/IRC welcomes this important judgement as a positive example of legal avenues for adoptees who discover the irregular nature of their adoption. For further details, see in Dutch:

<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHDHA:2018:3107> ;

<https://www.defenceforchildren.nl/actueel/nieuws/familie/2018/illegaal-geadopteerde-heeft-recht-op-alle-informatie>.

### New advocacy tool to highlight the harmful impact of the funding of orphanages on children, especially in Haiti and Nepal

Despite great evidence of the harmful impact of orphanage care on children, private donors continue to provide them with large amounts of money. In order to reverse this phenomenon, Elevate Children Funders Group recently developed a social media toolkit, which can be downloaded at <http://elevatechildren.org/resources/>. Further, to promote this new advocacy tool, Facebook Posts as well as Tweets are suggested, such as ‘*Research in Nepal shows that the cost of orphanages can be 11x the cost of social services provided to vulnerable families*’, #familiesnotorphanages, and [briefs](#). The ISS/IRC recommends the dissemination and use of this toolkit to raise awareness amongst private donors and encourage them to invest in family and community support programs.

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## PRACTICE

### Nepal: Family reintegration of children at risk – a civil society experience

*Sumnima Tuladhar, Executive Director of the organisation Child Workers in Nepal Concerned Centre in Nepal (CWIN), describes the organisation’s approach to family reintegration, which has been able to achieve great success rates.*

While carrying out family reintegration efforts for 12,788 children during the period of 1994-2015, CWIN has achieved an overwhelming success rate (84%). Through follow-up visits, CWIN found that 10,742 children were able to remain in their immediate families and in kinship care. In this context, CWIN supports the strengthening of capacities of governmental bodies and civil society organisations to promote community-based care and prevent unnecessary family separation. CWIN believes that children must be a concern to everybody: families, the community and, most importantly, the State.

#### Reasons for family separation

The current Nepali population is estimated at over 29 million, of which over 20 million are under the age of 18 (Central Bureau of Statistics). Many Nepali children are living in vulnerable situations linked to economic exploitation and sociocultural discrimination that often deprives them of their basic rights<sup>1</sup>.

In addition, many are at risk of family disintegration and separation, as a consequence of armed conflicts in the past, natural disasters, and internal and external migration. Indeed, unfair labour conditions, social discrimination and economic deprivation, among others, force many



families to seek unsafe options for their survival, by sending their children away to seek jobs.

### The challenging situation of alternative care options

It has become a common practice to place vulnerable children in childcare homes (CCH) or to obtain the consent of their parents as part of a promise of better education. In its 2015 report<sup>2</sup>, the Central Child Welfare Board (CCWB) mentions a total of 585 CCHs in operation in 45 districts, 76% of which are concentrated in the Kathmandu Valley. The CCWB reports that many CCH operators have insufficient knowledge on children's rights and alternative care legislation and standards<sup>3</sup>. Furthermore, many of these CCHs are yet to meet minimum standards (very poor conditions, reported allegations of sexual abuse, voluntourism).

### CWIN Nepal's approach to family reintegration

In the 1990s, CWIN Nepal launched transit centres and started the concept of social reintegration of children living and working on the streets, child survivors of trafficking/sexual exploitation and children separated from their families due to other reasons. At times of a prevalent welfare approach, communities and families were not aware of the negative consequences of unnecessary family separation and of child institutionalisation.

The children came in contact with CWIN through the Child Helpline Nepal 1098 (run by CWIN in partnership with the Government of Nepal, the police and social workers). The transit centres had integrated services for children, including psychosocial counselling, standard set-ups for residential care, extracurricular activities and child participatory activities in the decision making for their social reintegration plan.

### Family Reintegration Process (FRP)

The FRP is carried out on a regular basis with a view to achieving a sustainable family reunion. Children's views are considered at every step of the decision-making process. The FRP is rigorous and requires sensible work at various levels:

(1) The first step is to **prepare the children, make them aware of their rights and make an informed**

**decision.** They should not be forced to reintegrate their home, but should be prepared for the life in the community after their return. Thus, some receive psychosocial support to deal with their past history of abuse. In addition, they are engaged in child participatory activities, recreational activities and receive bridge school courses. Presenting the children with role models, who successfully reintegrated their families, is usually very effective. In most of these successful cases, children received educational support up to high school from CWIN, in order to avoid school dropout and possible family separation.

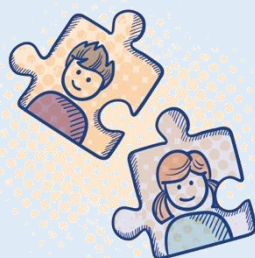
(2) The second step includes **family visits** undertaken by social workers to trace the families, to provide family counselling in order to prepare the family members so that the children are received willingly. Families are referred to available services, from the governmental and non-governmental sectors, for social security. Likewise, social workers assess the financial condition of the family and work together with them to identify the most viable support for their sustainability, such as income-generating support (including seed money to start a business, to initiate vocational training, etc.). Furthermore, parents are encouraged to seek help for any emergency with respective local actors.

(3) The third step is to **follow up periodically on reintegrated children and their families** through quarterly visits by CWIN's social workers or six-monthly visits if children live in remote places. These visits are essential to ensure children remain in school and in the family.

Moreover, CWIN has employed a community-based approach, which engages actors in the community (e.g. school teachers, local social workers, youth activists, etc.) to become contact points between CWIN and children, to ensure periodic supervision and reporting to CWIN, as, sometimes, communication means are scarce. Such approach is essential for direct support but also to develop a sense of shared responsibility among the community.

### Achievements and way forward

The fulfillment of children's fundamental rights (quality education, healthcare, protection from harm and appropriate care) will minimise their



institutionalisation. The family being the ultimate safe place for children, a focus on family strengthening is needed. With a new federal state structure, this is a right time in Nepal to engage with local policy makers and federal government.

**Progress made by Nepal in terms of desinstitutionalisation and family reintegration should be welcomed. Further work is now required to develop and implement the monitoring of quality alternative care, both locally and nationally, establishing a joint monitoring modality between government and civil society.**

The government must devise effective measures to develop procedures for deinstitutionalisation and to find locally sustainable solutions for alternative care of children in need.

### References:

- <sup>1</sup> Further information on CWIN available at: <http://www.cwin.org.np/>. *A Situation Analysis of Child Rights in Nepal*, [https://www.researchgate.net/publication/312172568\\_A\\_Situation\\_Analysis\\_of\\_Child\\_Rights\\_in\\_Nepal](https://www.researchgate.net/publication/312172568_A_Situation_Analysis_of_Child_Rights_in_Nepal).
- <sup>2</sup> *Nepali Children's Act*, 1992, [http://www.nepaldemocracy.org/documents/national\\_laws/children\\_act.htm](http://www.nepaldemocracy.org/documents/national_laws/children_act.htm); Child Protection Policy and Standards for Operation and Management of Residential Child Care Homes, 2012, <http://www.ccwb.gov.np/informations/view/247/>.
- <sup>3</sup> CCWB (2015). *State of Child Care Homes in Nepal*. Pp. 11 and 12, <http://www.ccwb.gov.np/uploads/menu/cch/State%20OF%20The%20Child%20Care%20Homes%20%20IN%20NEPAL.pdf>.

## Mexico: Deinstitutionalisation from within

*Casa Paterna La Gran Familia – whose care model has been transformed to secure the rights of children and to comply with international standards – proves that a deinstitutionalization process may start from within, with positive and encouraging results. This article reflects the outcomes of the transformation undertaken under the leadership of Claudia Madero, the organisation's Director.*

*Casa Paterna La Gran Familia*<sup>1</sup>, located in Nuevo León, Mexico, has operated an adoption programme since 1985. In 2014, it initiated the *Familias de Amor* project, calling on adoptive families, as well as foster families and sponsoring families. In 2017, it signed a cooperation agreement with the local child protection authorities to issue suitability certificates to foster families. In addition to these programmes, the organisation has engaged in various initiatives with a view to determining the most suitable options for each child placed in residential care; and based on the latter, the goal is to achieve the deinstitutionalisation of these children.

### A variety of initiatives

While initiatives have been varied, all of them are aimed at deinstitutionalization, as indicated in the vision statement of *Casa Paterna*: 'Children deprived of parental care are placed with a family that promotes their comprehensive development

into adults capable of building their own families harmoniously.

In accordance with this vision, the following programmes were created:

- **Rehabilitation and training for children**, especially to help them overcome their negative family experiences and to enable them to be open towards new families, which are more appropriate for them in a broader sense;
- **Support to birth families**, to strengthen them and to achieve family reintegration;
- **Temporary and permanent care programmes in family settings**:
  - **Adoption programmes**, including the adoption of adolescents;
  - **Foster care**, in families open to adoption and to permanent family placement when reintegration in the birth family is not possible;

- **A support programme for young people leaving Casa Paterna**, in the form of sponsorship, where adults may act as mentors for a specified period.

At the same time, the model of care itself is being strengthened within *Casa Paterna* for children, who still require residential care.

### Public and private partnership

Since its creation in 1981, a public-private partnership was established, whereby the funds needed for the operation of *Casa Paterna La Gran Familia* have always been contributed, in equal parts, by the state's government and by the local private and business sectors. In the context of the reform for deinstitutionalization, work is also being undertaken with the state child protection authorities, with internal and multidisciplinary

**The complex but promising deinstitutionalisation process initiated by Casa Paterna La Gran Familia demonstrates that a personal and political will can deliver very positive results in the short term. This combination of efforts is what deserves recognition and should therefore be promoted. It is worth recalling that the state of Nuevo León, in Mexico, has long been at the forefront in the country when it comes to promoting and strengthening temporary alternative care options in family settings, and its main city, Monterrey, is currently ISS's main ally in Mexico for the implementation of the project *A better future is possible*, aimed at children with disabilities in alternative care<sup>2</sup>.**

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### Reference:

<sup>1</sup> For further information, see: *Casa Paterna La Gran Familia*, <http://www.lagranfamilia.org.mx> and <http://www.lagranfamilia.org.mx/wp-content/uploads/2016/06/HACIA-LA-IF-Sept-17.pdf>.

<sup>2</sup> ISS, *A Better Future is Possible*, <http://www.iss-ssi.org/index.php/en/what-we-do-en/cwd-en>.

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## IN THE WORDS OF ADOPTEES

### ***The Colours in Me*, writing and poetry by adopted children and young people**

*This book<sup>1</sup> gathers prose, poetry and artwork from 86 young people aged four to 20 years, who live in the United Kingdom and were adopted from abroad or from the domestic care system. Through the expression of their feelings around adoption, they positively contribute to drive forward and enrich the reflection on this key issue.*

**T**he feeling of loss, which is so often compounded by guilt and the fear of the betrayal of our adopted parents made me feel incredibly isolated and detached from the world I occupied', writes the writer and comedian Rhona Cameron in the book's Foreword. This wonderful publication brings together the personal stories of children and young adoptees, allowing them to share their experiences, feelings and views on their adoption. As expressed by many of them, adoption is 'sad and happy at the same time. You get a new family, but you lose one'. The book is divided into six

staff, as well as with partners in the community and society. This confirms the relevance and need for mixed deinstitutionalisation processes, for a variety of partners in different sectors, and for clear cooperation agreements and procedures.

### Promising results

From 2014 to 2017, 56 children, including adolescents, were reintegrated into their birth families; seven were placed with adoptive families; 15 with foster families; and eight, who reached the age of 18, received support from '*Familias de amor*'. Currently, 75 children, including adolescents, remain in residential care, but work is being undertaken in the hope that they may also be integrated into one of the various family integration options.

parts: adoption stories, on being adopted, on being apart, staying in touch, revisiting my birth place, and messages.

### Adoption stories

In this first chapter, children and young adoptees share the memories of their past when they were living with birth families, foster families and/or in institutions, as well as their memories of moving to their adoptive family. They write about their feelings and their experiences of neglect, abuse and fear; their birth parents and siblings; the positive changes in their adoptive family; and their life within a new family.

**Sophie, aged 6:** *'I know that we will stay a family together, and I will be loved forever.'*

**Millie, aged 10:** *'I was very sad to leave my mum... My brother was separated from me, it is a shame that he had to move... I got a happy and fun family now... I might live close to my mother when I grow up.'*

**Francis, aged 16:** *'It is strange how I can still remember the three promises she gave me when I was growing up. Still a toddler about three years old, but I still remember "I promise you I will always look after you, I will always care and will never hit you". She broke all three.'*

### On being adopted

This second chapter is dedicated to the feelings about living in an adoptive family, feelings of 'joy and happiness, of loneliness and fear, confusion and anger, sadness and grief'. Adoptees also express how they feel in relation to their adoptive parents, some of them mention that they sometimes may feel 'different'.

**Kyle, aged 12:** *'I was in a horrible place, this is the door to a happy place.'*

**Jeremy, aged 11:** *'Being adopted is a really special thing. For instance, you will have the best time of your life with your new parents, you will do lots more things than you used to and you will have to have some ground rules, like keep the house clean, do your homework...'*

**Terezia, aged 20:** *'I am still dominated by anger, dreams of deprivation but also driven by high determination which makes me emotionally exceedingly strong inside. Not only have I survived but I am now successful.'*

*'All you adopted people! Believe: believe in yourself, believe you can make it. Believe in those around you, believe that you are loved, and believe that YOUR life has probably changed for the better.'*  
Amy, aged 17

### On being apart, staying in touch and revisiting their birth place

In the following three chapters, the loss and grief are very well described through poems, such as 'Questions for my "tummy mummy"', 'To mum poem', 'When words aren't enough'. Furthermore, emphasis is placed on the importance of enhancing the contact with the birth parents, even if it hurts. This book demonstrates how essential the search of origins is for adoptees, even if it brings back painful memories and many mixed feelings.

**Fiona, aged 17:** *'Sometimes I feel as if there is a big hole missing in my life. I feel I don't fit it. I don't feel normal. I have a whole different life somewhere else.'*

**Marcus, aged 20:** *'Social workers should not force children to see birth relatives they don't want to see and let them make their own mind up.'*

**Joshua, aged 12:** *'After I met my birth father, it made me feel like I was free of a burden that I had carried for a long time.'*

### Messages

This moving publication ends with messages given by adopted children to other adoptees, adoptive parents, social workers and therapists.

**Sola, aged 12:** *'If you adopt a child with brothers and sisters, it's really vital you let them keep in touch and meet up as it's an important part of them and their lives. My sister went to a family that wiped out her past and don't let her see me and it tears me apart.'*

**Julia, aged 15:** *'A passage that helps me is: "To the world you may be one person, but to one person you may be the world".'*

Only a few extracts of adoptees' own perceptions of their life and experiences are mentioned in this article, although all the personal stories are incredibly moving due to their sincerity, depth and courage. The crucial importance of feeling loved and listened to is constantly present. The ISS/IRC strongly encourages parents, social workers, therapists and teachers to read this book, and to share it with adopted children, in order to help them understand and express their feelings.

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### Reference:

<sup>1</sup> Harris, P. (Ed.) (2008). *The Colours in me. Writing and poetry by adopted children and young people*. BAAF Adoption and Fostering.



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## FORTHCOMING CONFERENCES AND TRAININGS

- **France:** **a)** *Journée Les réseaux sociaux numériques et les usagés adolescents*, COPES, Paris, 8 February 2019; **b)** *Le travail familial en institution (Module 1)*, COPES, Paris, 4-6 February 2019. For further information, see: <http://www.copes.fr/>.
- **United Kingdom:** **a)** *Managing allegations and monitoring standards of care in foster care*, CoramBAAF, London, 7 February 2019; **b)** *The neuroscience of adoption and fostering – A Day with Dr. Margot Sunderland*, CoramBAAF, Birmingham, 13 February 2019; **c)** *Life story work: Enhancing confidence in direct work with children and the creation of good quality life books*, CoramBAAF, Birmingham, 19 February 2019. For further information, see: <https://corambaaf.org.uk/training-events>.

EDITORIAL COORDINATION: Cécile Jeannin

EDITORIAL BOARD: Christina Baglietto, Cécile Jeannin

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[irc-cir@iss-ssi.org](mailto:irc-cir@iss-ssi.org)  
[www.iss-ssi.org](http://www.iss-ssi.org)

ISS  
32 Quai du Seujet  
1201 Geneva / Switzerland