

**Monthly Review
N° 11-12/2006
November – December 2006**

We wish you all a very Merry Christmas and hope that 2007 will enable us to contribute ever more and together to the promotion of the rights of children deprived of a family!

TABLE OF CONTENTS

Editorial

p. 1 [The biased picture of intercountry adoption in the media](#)

IRC News

p. 3 [Project on distance training and exchange of experiences: New Fact Sheets on the ISS/IRC website](#)

Legislation

p. 3 [Madagascar: Entry into force of the new legislation and resumption of intercountry adoptions](#)

Procedure

Children's Rights

p. 5 [Ukraine: Developments in the child care system](#)

p. 6 [New international documents addressing crucial issues on institutionalisation, children with disabilities and violence against children](#)

Interdisciplinary approach

p. 8 [Save the Children – UK publishes a document which helps professionals to apply quality childcare standards in East and Central Africa](#)

p. 9 [Spain \(Madrid\): Family adaptation in intercountry adoption](#)

Readers' forum

p. 11 [Interview with Deepak Raj Sapkota, from Nepal](#)

Forthcoming conferences, seminars, symposia and courses

p. 12 [France, New Zealand](#)

EDITORIAL

The biased picture of intercountry adoption in the media 

In order to better disseminate the ethical principles, which govern intercountry adoption and, thus, to rectify the biased news coverage of adoption in general, and even more so when celebrities are adopting, it would be useful for adoption professionals to appear more in the media.

Intercountry adoption is in fashion. The growing number of celebrities who take an interest in it is an undeniable sign. Mia Farrow, Sharon Stone, Meg Ryan, Calista Flockhart, Johnny Halliday in

France, Isabel Pantoja in Spain, Angelina Jolie and more recently Madonna, whose initiative to adopt a young boy of 13 months in Malawi made the headlines in the media worldwide. The list of celebrities who have adopted is already long

and will most probably grow further, according to the rumours circulating on the web.

Unfortunately, the media handling of these adoptions often projects a distorted image of this special family bond. The complexity of the procedures, the rigour of the process, the risks involved in adoption, the importance of the preparation of the child and his/her prospective parents and, in particular, the needs and rights of children are generally "forgotten" aspects of cases reported in the media. The latter prefer to present adoptions by celebrities as wonderfully simple and fast love stories, carefully concealing any critical considerations.

A feeling of injustice and discouragement

This biased picture, however, has an impact on the audience at large and on prospective adoptive parents in particular. For the latter, who have been faced with a much more subtle and complex reality, this discrepancy raises a feeling of injustice and discouragement, often further exacerbated by the media's double talk. Indeed, if adoption by celebrities is idealised, the reasoning is another when it comes to intercountry adoption by « ordinary men and women ». The news coverage that refers to them mainly focuses on the problem of endless waiting periods, which prospective adoptive parents are subjected to, on the red tape they are faced with, « despite institutions in the countries of origin being full of children »...

Furthermore, when the media take an interest in children in countries of origin, they depict dramatic and biased situations. They show crowded and poverty-stricken institutions, without saying that the great majority of children placed in them are not orphans and not adoptable. They portray countries ravaged by war, AIDS or a natural disaster, where children have lost their parents and are left to themselves, without mentioning the opportunities for family or traditional child care. Everyone remembers the tsunami, the pictures of children on their own and destitute, and the rush to adopt fuelled by these pictures.

Without explanations or setting issues into perspective, it is understandable that prospective adoptive parents are revolted by these pictures and wonder why their adoption procedures are so complicated when so many children just seem to be waiting for someone to provide them with a home and a family which loves them.

The basic principles of intercountry adoption

In this context, it is essential that adoption professionals take action to correct this image. It is their duty to appear more in order to explain to society that reality is different from that presented by the media. It is particularly necessary to remind them regularly that intercountry adoption is, above all, a child protection measure as enshrined in international texts, in particular the Convention on the Rights of the Child, whose basic principles must be respected in all adoption procedures, starting with the right of the child to grow up, as a priority, in his/her family of origin. In this spirit, it is important that professionals regularly reiterate that a child should not be adopted merely because his/her family is too poor to care for him/her. In this case, it is preferable to support the family of origin in order for the child to remain with his/her family (see Monthly Review N° 66). Equally, it is important to better explain the meaning of the principle of subsidiarity, according to which intercountry adoption must only be of last resort, if no suitable permanent and family solution could be found in the child's country.

As far as the countries of origin are concerned, it is also important to make it understandable to

society in receiving countries that the majority of children placed in institutions are not adoptable, either because they still have a family, or because their legal or psychological adoptability has not been determined. It is also a matter of making it understood that an increasing

number of countries of origin are now able to control their birth-rate, to reduce poverty and to promote domestic adoption, and that they are therefore placing a decreasing number of children for intercountry adoption, *a fortiori*, healthy babies who are often adopted domestically.

If society understands these various issues, it will have a picture of adoption, which is much more in accordance with reality and will therefore accept that intercountry adoption will now involve much fewer babies and more older children, sibling groups, or disabled or sick children, for whom it is often difficult to find an adoptive family in the country of origin.

Efforts must be provided

These messages are certainly difficult to disseminate among the population, and carry little political weight in Western countries, where

In this context, it is essential that adoption professionals take action to correct this image.


prospective adoptive parents are far too numerous in comparison with the number of opportunities for adoption. It is, however, essential that efforts are made in this regard, in order for the waiting periods and the plans of prospective adoptive parents to be better adapted to reality, and for the pressure on the countries of origin to be reduced. Such pressure is dangerous as it opens the door to all kinds of abuse, disregarding the best interests of the child.

From the perspective of a better dissemination of the principles set out above, and without expressing ourselves on the heart of the matter,

the debate that is taking place in numerous media about the adoption of a young boy from Malawi by Madonna has at least had the benefit of initiating an important dialogue. But whatever progress is made in this dialogue, the specific preparation of the prospective adoptive parents obviously remains essential. In this framework, it would be useful if the media coverage of intercountry adoption could be addressed, in order to show applicants that reality is different to what is presented every day.

The ISS/IRC team

IRC NEWS

- **Project on distance training and exchange of experiences – New Fact Sheets on the ISS/IRC website**  : Four new Thematic Fact Sheets (N^{os} 23, 24, 25 and 26) have been issued. These address the evaluation of the eligibility and suitability of prospective adopters, their selection and the matching conditions and criteria. All Fact Sheets are available on the ISS/IRC website: http://www.iss-ssi.org/Resource_Centre/Tronc_DI/tronc_di_fic.html.

LEGISLATION

MADAGASCAR: Entry into force of the new legislation and resumption of intercountry adoptions

So as to better guarantee respect for children's rights in adoption procedures, and to implement the 1993 Hague Convention on intercountry adoption, new legislation on this matter has recently come into force in this country.

Although the 1993 Hague Convention (HC-1993) may have come into force on 1 September 2004 in Madagascar, this country has only recently published the Decree governing the implementation details of the Adoption Law of 2005. Both these texts establish the procedure in matters of intercountry adoption and come within the framework of bringing Malagasy legislation into compliance with international instruments. Their entry into force has allowed intercountry adoptions to resume.

Adoption Law N° 2005-014

This law aims at governing adoption, both domestic and intercountry, and faithfully reflects the principles set out in articles 3, 12 and 20 of the Convention on the Rights of the Child (CRC): the right of the child to grow up in his/her family of origin, the best interests of the

child, the right to participate in decisions which affect him/her, the hierarchy of alternative care options. The principle of subsidiarity of intercountry adoption is explicitly recognised in the law. Article 32 provides that intercountry adoption is only authorised if, after having duly examined the possibilities for domestic placements or adoption, it responds to the child's best interests.

The intercountry adoption of a Malagasy child can only be a full adoption, whereas domestic adoption may also be simple. The Law establishes the criteria for the child's adoptability as well as the prospective adoptive parents' eligibility. Adoption is thereby only authorised for heterosexual spouses of whom one is at least 30 years old and who have no more than three living children in their care. The listing of eligibility criteria is positive since the capacity of the adoptive family to ensure the protection and care of the child must be established and

certified before the adoption. Nonetheless, the psychosocial criteria deserve to be further detailed.

As far as the adoptable child is concerned he/she must be under the age of 12. He/she must be either related by family or marriage to one of the spouses, or have been placed voluntarily by the biological parents in an accredited institution (including a reception centre), or have been abandoned or have unknown or deceased parents (art. 36). For the intercountry adoption of a child placed in an institution, it is necessary that he/she be included on the register of adoptable children kept by the Central Authority (art. 37).

Following the criticisms directed at the reception centres' abuses, and following the ratification of the HC-1993, it is worth noting that it is now compulsory for every adoption application to be processed through the Central Authority of Madagascar and that all correspondence relating to intercountry adoption may only be transmitted through diplomatic channels between the Central Authority of the receiving country and the Malagasy Central Authority (arts. 31 and 47). Thus, the role allocated to the Central Authority clearly responds to the duties stipulated in article 6 of the HC.

Previously considered inadequate given that reception centres proposed children directly to adopters, matching is henceforth the responsibility of the Central Authority. Article 50 provides that « once it has received a file, the Malagasy Central Authority takes charge of the matching » and that « the Central Authority forwards the proposed selection to the Central Authority of the receiving country for the acceptance or refusal of the prospective adoptive parents ».

It is also worth mentioning the provisions for the pre-adoption period, the probationary period and the post-adoption follow-up. These stages are essential for the success of the adoption, since they provide a framework within which the family of origin, the adoptee and the adoptive family can raise and explore the questions and the consequences resulting from the adoption. The new law therefore makes it mandatory to provide advice, information and preparation on the consequences of the concerned persons' consent (art. 42). Furthermore, the legal stage of the adoption includes a probationary period of one month so that the adopters get to know the child; during that time, the adopters must stay in Madagascar (art. 56). In addition, post-adoption follow-up is the focus of several provisions.

These aim at compelling the adopters, as well as the Central Authority of the receiving country, to draft and submit, every six months during the first year and annually thereafter, a report on the integration of the child, to the Malagasy Central Authority until the child comes of age (arts. 71 and 72). In this respect, the Hague Conference's Special Commissions on the practical operation of the HC-1993, held in 2000 and 2005, expressed their concern at the long periods of post-adoption reporting requirements of States of origin (such as until the child reaches the age of majority). In 2005, it was therefore recommended to limit this period in recognition of the mutual confidence, which provides the framework for cooperation under the HC-1993 (see Editorial N° 3/2006). The Central Authority must also set up a database of information concerning the children's origins in order for them to have access to it (art. 73). Finally, throughout the procedure, the Law clearly stipulates that no one may derive gains, whether material or financial, or any other type of gain or advantage (art. 15) and that the consent given by the concerned persons must not be the result of payment or compensation (art. 42).

Decree N° 2006-596 governing the implementation details

This Decree is essential in the implementation of the Adoption Law as well as the 1993 Hague Convention, since it creates a Central Authority, and sets out its mission, functions, composition and directorate. The Central Authority has now been established; its coordination is the responsibility of the Director of Family, under the Ministry of Population. Its function is to collect, keep and exchange information on the situation of children and their adoptive parents; to ease and activate the adoption procedure; to promote the development of advisory adoption services and the follow-up to adoption; to grant accreditation for adoption to reception centres with a social mission; and to issue the agreement for adoption to adoptive parents of Malagasy nationality. The Decree therefore partially assumes the functions attributed to the Central Authority under article 9 of the HC. It is very positive to note that the technical teams responsible for assessing the children's files, examining the parents' files, and proceeding with the matching are, by decree, composed of social workers, doctors, lawyers and sociologists. The need to have multidisciplinary teams has also been taken into account when determining the conditions for accreditation of the centres with a social mission.

Finally, the text outlines the documents required for any adoption request. It also provides a list of documents about the adoptee and the biological parents. As far as the actors are concerned, the decree includes provisions relating to the accreditation conditions for the reception centres with a social mission, which are authorised to care for children in difficult situations, who are vulnerable children or orphans. If these centres also wish to extend their activities to adoption, they must hold a specific accreditation; the required issuing conditions and the mission are also described in the decree. The accreditation of these centres should enable better control of their intervention in intercountry adoptions, but only if the accreditation criteria are strictly respected, if the staff are trained and if the monitoring of their functioning is carried out periodically and

systematically. Finally, the Decree sets out the minimum financial contribution required for an adoption: for a full intercountry adoption the mentioned contribution is set at 800 Euros per child (art. 44).

Thus, following the numerous criticisms aimed at adoption in Madagascar and the subsequent suspension of intercountry adoptions, one may hope that this new legislation will enable the implementation of a reliable system of adoption, which fully guarantees the best interests and the rights of the child.

Sources : Loi N° 2005-014 relative à l'adoption; Décret N° 2006-596 du 10 août 2006 fixant les modalités d'application de la Loi N° 2005-014 du 7 septembre 2005 relative à l'adoption ; National expert.

CHILDREN'S RIGHTS

UKRAINE: Developments in the child care system

A reform of this system is slowly being put into place. The main objective is to find family-based solutions for children deprived of parental care.

Last October, the United Nations Special Rapporteur on the sale of children visited Ukraine. One of his conclusions was that the country is "at a crossroad and in a moment where it will need to build a new model of protection of children's rights [...] Although the country has undertaken serious efforts in order to comply with the standards set forth in the international and European Conventions relating to the protection of children, much remains to be done."

A new children's authority

One of these improvements is the creation of a children's authority, the State Department for Adoption and Protection of Children's Rights (SDAPCR) under the Ministry for Family, Youth and Sports, which is functional since July 2006 (see Monthly Review 4/2006). However, since the elections last October, changes have been occurring in the Ukrainian government and, so far, the consequences, if any, for the SDAPCR are not known.

Reform of the care system

At a recent conference, the SDAPCR's Director talked about the residential care system. The present situation was illustrated through the feelings and fears of children who leave "boarding schools" in Ukraine. They are mainly afraid of not being prepared to live alone and to find a suitable job. They are also worried because they do not receive a good education. They made it clear, once more, that this type of institutions does not provide children with a reassuring future. This was also pointed out by the Special Rapporteur following his visit.

In order to improve this situation, the President of Ukraine has approved an Edict (N° 1086 of 11 July 2005), in which it was established that in order to protect children's rights in Ukraine, a *reform of the care system for orphans and children without parental care* was required.

One of the measures of this approach is that the new types of institutions are to accommodate no more than 50 children. In practice, this supposes that children who are already in boarding schools should be transferred to smaller institutions. Furthermore, siblings would have to be reunited; children would have to live in their region of origin where they have relatives; they would have to go to secondary school together with children who

have a family; and they should be able to maintain contact with their parents.

Solutions and expectations

The solutions for children without parental care pointed out by the Director of the SDAPCR are adoption, guardianship (as a rule, in their own family, if they have relatives), foster families and family-type children's homes. Placement in care institutions should only occur if other solutions have failed. Also, a very important aspect is permanency planning, given that Guardianship bodies have to search for a family solution for children in boarding schools.

Among the SDAPCR's objectives for 2006 are the significant development of domestic adoption and the reduced resort to intercountry adoption. In this perspective, the SDAPCR announced last July that it was not accepting any new adoption files from non-Ukrainian adoptive parents before January 2007 – although, in the meantime, they are continuing to process several hundred applications from foreign prospective adopters, which were already registered.

Alongside these developments, however, is the fact that on 12 December the Ukrainian Parliament rejected a draft law that would have enabled the country to accede to the 1993 Hague Convention on Intercountry Adoption,

reportedly on the grounds that the treaty contains provisions incompatible with Ukraine's current legislation. [Please see pp. 113-121 of the OSCE/ISS Assessment of the Adoption System in Ukraine, www.iss-ssi.org/Resource_Centre/Tronc_DI/documents/Ukraine-Adoption_report_230606e.pdf].

Sources: Working Group for Cooperation on Children at Risk "Conference on the Rights of Children in Institutions in the Region of the Baltic Sea States", Stockholm, Sweden, 14 and 15 November 2006, www.childcentre.info/projects/institutions/dbaFile13621.pdf; United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, www.unhcr.ch/hurricane/hurricane.nsf/view01/AB9939758E025480C1257217005B52F4?opendocument; Verhovna Rada (Parliament of Ukraine), http://gska2.rada.gov.ua/pls/radac_gs09/pd_n?day=12&month=12&year=2006&krit=0; Ukrainian newspaper ForUm, <http://en.for-ua.com/news/2006/12/12/144122.html>; OSCE-Ukraine; ISS Swiss Branch, www.ssiss.ch; U.S. Embassy in Kiev, http://kiev.usembassy.gov/amcit_adoptions_eng.html; Mission de l'adoption internationale, France, www.diplomatie.gouv.fr/fr/les-français-etranger_1296/conseils-aux-familles_3104/adoption-internationale_2605/pays-origine_3233/fiches-pays_3895/ukraine_9637.html; Secrétariat à l'adoption internationale, Quebec, Canada, www.adoption.gouv.qc.ca.

New international documents addressing crucial issues on institutionalisation, children with disabilities and violence against children

Documents which partially address issues faced by many children placed in alternative care have recently been issued by several United Nations bodies.

Children are at the heart of several documents, which have recently been adopted by the United Nations, and which are crucial in setting principles and standards for the care of children with disabilities, for the protection of those suffering from violence and for those placed in institutions. This article introduces two of these recently issued documents.

General Comment N° 9¹

At its 43rd session, held in September 2006, the Committee on the Rights of the Child adopted its General Comment N° 9 on the rights of children with disabilities, designed « to provide guidance and assistance to States parties in their efforts to implement the rights of children with disabilities, in a comprehensive manner which covers all the provisions of the

Convention ». Given that a considerable number of children with disabilities are still cared for in institutions, the Committee has considered it essential to recall that the best interests of the child is of particular relevance in these settings and other facilities that provide services for children with disabilities, in particular as « they are expected to conform to standards and regulations and have the safety, protection and care of children as their prime consideration, and that this consideration should outweigh any other and under all circumstances, for example, when allocating budgets ».

The Committee has also recalled that children with disabilities are best cared for and nurtured within their own family environments provided that the family is adequately supported in all aspects. Therefore, support services should also include different forms of respite care and

should enable parents to work, relieve stress and maintain healthy family environments. In direct relation to other recent documents adopted by United Nations bodies, it has been reiterated that children with disabilities are more vulnerable to all forms of abuse in all settings, including the family, schools, private and public institutions, and alternative care. They are often subjected to abuse and are particularly vulnerable to neglect and negligent treatment, in particular when their disability is viewed as an additional burden on the family.

The Committee has addressed the crucial issue of family-type alternative care for children with disabilities, considered one of the best alternatives for child care, and which should be strengthened and empowered to support the child and his/her parents or carers. Those organisations responsible for the foster placement of children should therefore train and encourage suitable families and provide them with the support necessary for them to appropriately care for the child. As often expressed, the Committee reiterated its concern at the high level of institutionalisation of disabled children, with a provision of care of often inferior

quality and not compliant with standards, and which fosters abuse. Therefore, the Committee has urged « States parties to use the placement in institution only as a measure of last resort, when it is absolutely necessary and in the best interests of the child », developing in parallel small residential care facilities, national standards for care in institutions

and screening and monitoring procedures for their effective implementation. Closely related, the Committee recommended that « States parties continue and strengthen their efforts to take into consideration the views of children with disabilities and facilitate their participation in all matters affecting them within the evaluation, separation and placement process, in out-of-home care and during the transition process ». States parties have therefore been urged to set up programmes for deinstitutionalisation of children with disabilities, replacing them with their families, extended families or the foster care system.

Within a wider perspective, these issues have been partially reiterated in the Convention on the Rights of Persons with Disabilities, a text adopted by the United Nations General Assembly in December 2006².

United Nations Secretary General's Report on Violence Against Children³

On 11 October 2006, the United Nations Secretary General's Report on Violence Against Children was presented to the Third Committee of the UN General Assembly, by the independent expert appointed to lead the study, Paulo Sérgio Pinheiro. Based on a participatory process which included regional, subregional and national consultations, expert thematic meetings, inputs from governments, field visits, public submissions from a large number of organisations, and participation from children, the Study examines violence against children in a number of settings: the home and family, schools, institutions (including care and justice institutions), the community and the workplace. It proposes cross-cutting and specific recommendations to ensure compliance with article 19 of the Convention on the Rights of the Child. The Study also highlights the importance of a multi-sectoral approach to ensure that the protection of children against violence is addressed from a child protection, human rights and public health perspective.

In relation to violence in the care system, the Study reiterates that millions of children spend substantial periods of their lives in institutions, such as orphanages, children's homes, and care homes. These children are at risk of violence from staff and others responsible for their wellbeing. Violence in institutions takes a number of forms, including corporal punishment – not explicitly

prohibited in a majority of countries; including violence for the purpose of « disciplining » children (beatings, hitting children's heads against the wall, restraining or isolating them); and violence as a « treatment » for a disability. Children in care institutions may also be vulnerable to violence from other children. Overcrowded and squalid conditions in institutions, a lack of capacity-building for staff, the lack of an effective system for complaints, monitoring and inspection mechanisms, and inadequate government regulations and oversight undoubtedly have long-term effects. The Study alludes to some of these, including developmental delays, disability, psychological damage, recidivism, societal stigmatisation and discrimination.

Therefore, the Study has recommended that States « prioritise reducing rates of institutionalisation of children by supporting

Children with disabilities are best cared for and nurtured within their own family environments provided that the family is adequately supported in all aspects.

family preservation and community-based alternatives, ensuring that institutionalised care is used only as a last resort. States should ensure that, wherever possible, children in residential care may be reintegrated with their family under appropriate conditions. » Furthermore, recommendations also include a regular reassessment of the child's placement, the establishment of effective and independent complaints, investigation and enforcement mechanisms, increasing children's awareness of their rights in institutions, access to the mechanisms in place, and effective monitoring and regular access to care institutions by independent bodies.

The next phase in the process of the UN Study on Violence Against Children will focus on the implementation of the recommendations and global action to prevent and respond to violence against children at all levels. In this context, a web toolkit designed to prevent and respond to

violence against children is available from the Study's website: <http://www.unviolencestudy.org> (see "Related links").

¹ *General Comment N° 9 (2006) : The rights of children with disabilities*, Committee on the Rights of the Child, CRC/C/GC/9, 29 September 2006 : <http://www.ohchr.org/english/bodies/crc/docs/co/CRC.C.GC.9.doc>.

² *Convention on the Rights of Persons with Disabilities*, adopted by the United Nations General Assembly on 13 December 2006 : <http://www.un.org/esa/socdev/enable/>.

³ United Nations Secretary General's Study on Violence Against Children, A/61/299, 29 August 2006:

<http://www.violencestudy.org/IMG/pdf/English.pdf>.

There is also a more elaborate publication of the Study Report, which includes further details and best practices: *World Report on Violence Against Children* (<http://www.unviolencestudy.org>).

INTERDISCIPLINARY APPROACH

Save the Children – UK publishes a document which helps professionals to apply quality childcare standards in East and Central Africa

This publication documents the learning and experiences of five agencies implementing quality childcare standards in four countries in East and Central Africa. It follows the publication of a first volume which proposed a list of these standards and a definition for each one of them.

Proposing quality childcare standards for East and Central Africa is an important step. But it is not a sufficient one as long as these standards are not applied in the field. Save the Children – United Kingdom is trying to help the region go through both stages. A little more than a year after having published "Raising the Standards – Quality Childcare Provision in East and Central Africa" (see Monthly Review 2/2005), the organisation publishes "Applying the Standards – Improving Quality Childcare Provision in East and Central Africa".

As a reminder, the first volume proposed a set of 28 standards and indicators, which intended to guide childcare agencies, managers and practitioners in the provision of a minimum standard of care for children who are disproportionately vulnerable to violations of their rights to survival, development, protection and participation. This second volume – which comes with a DVD – goes further and aims at helping these field actors in implementing the standards, regardless of the nature of the

childcare provided. It demonstrates that the application of quality standards will provide immediate, direct benefits to children and that quality standards are achievable – even in resource-poor contexts.

In concrete terms, the publication documents the learning and experiences of five agencies (Nairobi Children's Home, Gulu Support the Children Organisation, Save the Children, Uganda Reach the Aged Association and HelpAge International) implementing quality childcare standards in four regions in East and Central Africa (Kenya, Uganda, Democratic Republic of Congo and South Sudan). It consists of four main parts.

Applying the standards in diverse care settings in East and Central Africa

The first part outlines the process of applying the standards in the five agencies that participated in the project. These agencies being different from each other in terms of services they provided, the context and focus of their work and the resources available, they

approached implementation in a unique manner, based on their most pressing needs.

Following preliminary opportunities to apply the standards, participants felt the standards were “vital” and in fact quite “simple” for non-experts to understand and apply in any care setting. But they still met several difficulties in implementing the standards, notably in getting partner agencies to accept and “own” the standards. They also met often initial resistance among staff, a lack of understanding regarding what quality childcare means and a lack of effective legislation in the country. Among the strategies that they used to overcome these main challenges, they worked to a great extent with local authorities, stakeholders and partners and they discussed the standards through participatory methods.

Assessment methodologies

With this purpose of participation in mind, part two focuses notably on assessment methodologies for gathering necessary baseline information from children and adults in diverse settings. This implies that staff undertake careful preparation to ensure ethical participatory practice, specifically with children, to protect them from manipulation or further violence, abuse and exploitation. As well as assessing these risks, it is important to agree on a strategy for responding to any potential disclosure of abuse by a child during the assessment process.

For these elements to be implemented, the number of staff members or carers must be sufficient to ensure that the children’s care and protection needs are met, that the child may bond with and develop attachment to his/her carer, and that the carer has sufficient time to give every child some individual attention on a daily basis. Staff – child ratios should then vary in accordance with the number, age and gender of the children in care and the number of children with special needs.

Members of the Implementation Team discovered that the assessment process had an impact far beyond the establishment of a baseline of current practices. The assessment process enabled practitioners to contextualise, internalise and apply the standards.

The treatment of carers has an impact on the quality of childcare

While the third part of the report shares detailed case studies from each of the implementing agencies, the last part highlights a range of critical issues that were debated by the Implementation Team. Among them, the way staff members are considered seems very important. In repeated instances, carers’ motivation and the way they were organised and treated were felt to have a major impact on the quality of childcare. Without giving value to childcare workers and recognising the importance of their work, it is hard for them to value and give proper care to the children whom they are responsible for.

In conclusion, the document encourages local and international NGOs and the UN to engage and work in partnership with governments to advocate for and ensure the effective application of quality childcare standards. These standards need to be adopted by governments, reflected in government policy, and implemented in key government structures and practices concerned with the care and protection of children. However, before agencies embark on advocacy initiatives, it is important that they analyse their own strengths and weaknesses and seek solutions to problems of gaps or capacities which require development.

Source: Applying the Standards – Improving Quality Childcare Provision in East and Central Africa, Diane M Swales, with Rena Geibel and Neil McMillan, Save the Children – UK, 2006. Available in English at the following webpage: http://www.savethechildren.org.uk/scuk_cache/scuk/cache/cmsattach/4234_ApplyingTheStandards.pdf.

SPAIN (Madrid): Family adaptation in intercountry adoption

In an orderly, and bibliographically and empirically documented fashion, this Spanish book illustrates how a group of boys and girls over the age of three have adapted to their adoptive families in Madrid.

This study – entitled *La adaptación familiar en adopción internacional: Una muestra de adoptados mayores de tres años en la Comunidad de Madrid*” (Family adaptation in intercountry adoption: A sample of adoptees over the age of three years in the Community of

Madrid) – is the result of research carried out by Psychologist and Doctor Ana Berástegui Pedro-Viejo, within the framework of the University Institute for Family of the Universidad Pontificia de Comillas, of Madrid.

It is based upon a sample of adopted children over three years of age in the Community of Madrid, between 1999 and 2001. Although the research was carried out within this very specific framework, it also provides an overview since it compares the results of this research with other worldwide studies on the subject. This is precisely what has led us to highlight some of the features of this study in this Review.

Positive development of these children

The analysis of the situation of intercountry adoption in Spain – in the first chapter – not only reflects the reality of a country, which has become one of the leading adoptive powers in the world in just a few years, but also analyses the reasons for it, which are applicable to the reality of many receiving countries.

Amongst other issues, it emphasises the important number of children who require adoption, but for whom it is difficult to be adopted because of their special needs, and paradoxically, the high numbers of prospective adopters who wish to adopt a healthy baby.

Indeed, this concern is reflected in that this report focuses on showing that children who were adopted when they were over three years old (who could qualify as « children with special needs ») develop positively, contrary to what one might believe at the outset.

Risk and vulnerability of the adoptive family

Another attractive aspect of this research is that it is not based on the possible negative and problematic differences between adoption and biological family ties, but that it rather focuses on the risk and vulnerability, which the adoptive family faces, without overlooking the impact of the child's characteristics.

Therefore, it takes account the ability for resilience of the adopted child, who despite a very difficult start in life, is able to adapt satisfactorily to his/her new life as an adoptee and to heal the wounds of the past.

Adaptation of the child to his/her new family

The adaptation of the child to his/her new family will not only depend upon the child's experiences before being adopted, but is also

influenced by the extent to which the family is able to include the child in the family. As far as this process of inclusion goes, there are three critical factors which have an impact: *the stress which the family may experience* (increase of work at home, transition to normative parenthood, problems with social and school integration as well as cultural insertion, stigmatisation of adoption, etc); *the stress-coping mechanisms of the family*; and the resources they have to face it (positive restructuring, family action to gain and accept assistance, benefiting from social support, etc).

Conclusions

The study concludes that adopted children, particularly those over three years of age, come with more problems than expected for their age, their gender and their development trend; yet they develop very well in a very short period of time.

Secondly, the efforts of the families have to be seen as how the children develop and cope sufficiently, in most cases with healing their earlier wounds.

And thirdly, there are very few socio-demographic variables, which allow saying whether or not a family will be able to cope with adoption. Prior and ongoing training processes as well as post-adoption support must be established, in order to face the challenges which might arise.

The complete text of the study is available in Spanish at the following webpage: [http://www.cesmadrid.es/documentos/La Adaptacion Familiar.pdf](http://www.cesmadrid.es/documentos/La_Adaptacion_Familiar.pdf).

Source : Berástegui Pedro-Viejo, A., «La adaptación familiar en adopción internacional: Una muestra de adoptados mayores de tres años en la Comunidad de Madrid» (Family adaptation in intercountry adoption: A sample of adoptees over the age of three years in the Community of Madrid), Consejo Económico y Social, Comunidad de Madrid, Colección Estudios, Madrid, 2005, a.berastegui@iuf.upco.es, www.cesmadrid.es.

Interview with Deepak Raj Sapkota, from Nepal

Deepak Raj Sapkota is Member, Secretary and Executive Director of the Central Child Welfare Board, the national focal agency for children's affairs in Nepal.

Name, Surname: Deepak Raj Sapkota

Place of residence and work: Kathmandu, Nepal

Professional title / functions: Member, Secretary and Executive Director of the Central Child Welfare Board (CCWB). CCWB is the national focal agency for children's affairs of Nepal. Its main areas of concern are:

- to coordinate among and between all agencies and programmes related to children;
- to facilitate all child-rights programming;
- to advise the Government of Nepal on policy relating to children;
- to monitor and evaluate both the programmes and the situation of children.

As a Member, Secretary and Executive Director of CCWB, my functions are to make sure that the above-mentioned areas of concern are met.

State that ratified the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption: No

Type(s) of adoptions conducted in the country:
Domestic and intercountry adoptions

1. What are the needs relating to adoption in your country?

The first need is to have a system in place, which could document, verify and provide parental care for children without it. In relation to policy, the country's priority in adoption is to ratify the 1993 Hague Convention and to develop a policy, a procedure and legislation for domestic and intercountry adoption.

2. What are the main difficulties in relation to adoption in your country?

The country lacks a system by which demands for domestic as well as intercountry adoption are known. The main issues for intercountry adoption are the unrecorded financial transactions in the adoption process. Although the government of Nepal does not charge any fees for providing children for adoption, agencies and individuals are found to be charging money in the process for children in children's homes (agencies which recommend children for adoption to the authority.)

3. What are the major successes and/or failures of your country in matters of adoption?

The success of Nepalese adoption is that many families are interested in adopting children from Nepal. However, we receive general complaints from adoptive parents and agencies, stating that the process's length is unpredictable and that they do not receive all the required information on time.

4. According to you, what are the prospects for development of adoption in your country?

It is accepted that adoption is a reliable alternative for children who have no families and children who are abandoned, and that it is an opportunity for them to live their childhood. These are a child's basic rights.

There are children who may be placed for adoption, but the development of transparent policy and financial transactions should be clear. We are in the process of introducing a Child Rights Act, which also aims to address adoption issues.

5. Does your country have a particular characteristic, an experience, an original project or good practices in matters of adoption, which it could share with others? If yes, which one?

No

6. Does the ISS/IRC Monthly Review respond to your needs? Do you have any suggestions for change?

Yes. It has been useful in raising my awareness and in updating me on the current global scenario.

7. Do you have a message for our readers? A comment to make?

It would be wonderful if all the readers could share their local context and experiences, as adoption and institutional care are common phenomena worldwide. This could enrich all the people involved in this field, in order to serve, more effectively and in a more productive way, the cause of children.

I also would like to thank and congratulate ISS on its effective and productive work and for its wide reach.

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **France/COPES** : *Les adoptions tardives : aspects psychologiques, juridiques et cliniques* (Late adoptions: psychological, legal and clinical aspects), 12 - 16 March 2006, Paris. This workshop is led (in French) by Omblin Ozoux-Teffaine, psychologist, with the participation of several specialised contributors. *Themes addressed* : Children adopted abroad, such as wards of court ('*pupilles d'Etat*') in France, are increasingly older children at the time of their adoption; are late adoptions always desirable and possible?; bringing the two parties together in late adoptions implies the collaboration of all the child's partners; social workers are faced with abandonment, but more frequently with growing neglect; the difficult question of a petition to the courts; the arguments that would justify a legal decision compatible with the interests of the child; the follow-up and the handling of family situations following late adoptions; the search for origins by the late adopted child. This workshop is intended for adoption and child support actors. *Contact* : 20 rue de Dantzig, 75015 Paris ; Tel : +33 1 53 68 93 40 ; Fax : +33 1 53 68 93 45 ; E-mail : copes-formation@wanadoo.fr; www.lecopes.com.
- **New Zealand**: *IFCO XV Biennial International Foster Care Conference*, 11-16 February 2007, Hamilton, New Zealand. This conference has its focus on those children and adolescents who are the victims of social breakdown, parental inability, child abuse of many kinds and extreme social disadvantage and on those who care for them. Research shows that common themes exist internationally, such as the increasing levels of trauma experienced by the children and their consequent high levels of psychological, emotional and behavioural problems. Additionally, research shows that sociological and economic change has affected the availability of the most precious resource, foster carers. How do we address these issues internationally and how can we learn from one another? The conference will develop these themes. Contact: Anna Paulownastraat 103, 2518 BC Den Haag, Tel: +31 70 346 21 53, E-mail: ifco@ifco.info; www.ifco.info or, for the conference: www.ifconz07.org.nz

As a reminder, this Monthly Review is distributed to a selected network of Authorities and professionals. It is not aimed at being posted on an internet website without the authorisation of ISS/IRC.

Table of contents of the Bulletins 1997 - 2006:
www.iss-ssi.org/Resource_Centre/Resource_Center_EN/About_ISS-IRC/about_iss-irc.html.
See Activities.

The ISS/IRC would like to express its gratitude to the governments (including certain Federated States) of the following countries for their financial support in the realisation of this Monthly Review: Andorra, Australia, Belgium, Canada, Cyprus, Denmark, France, Germany, Iceland, Italy, Luxembourg, Monaco, New Zealand, the Netherlands, Norway, Spain, Sweden and Switzerland. The ISS/IRC also thanks the Canton of Geneva for its specific contribution.