



**Monthly Review N° 11-12/2007
November - December 2007**

***We wish you all very Happy Holidays
and hope that 2008 will enable us to further contribute
to the promotion and protection of the rights of the child deprived of a family!***

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Humanitarian action and intercountry adoption:

A sulfurous mixture of kinds

Recent events between France and Chad have highlighted the risks that a blind desire 'to save children' may lead to. They also question the image, which the West may have of countries in the South. In addition, they illustrate a worrying confusion between humanitarian action and intercountry adoption.

On a daily basis, the news reflects on our screens its share of misery, violence and dramatic situations, illustrated, if possible, by pictures of children in order to add a touch of pathos. Depending on the degree of media coverage of one situation or another, there is no doubt that all kinds of initiatives designed to assist the affected populations will subsequently arise, and insist once again on the situation of children: the Romanian orphanages in 1990, the tsunami in 2004, or more recently, Darfur. Each time, there are well-intentioned people ready to launch a humanitarian action in order to 'save children', with the implications we are all aware of.

A matter of image

Clichés are having a hard time, and everyone may easily experience this. What images do we associate with Ethiopian children? Famine. With Indian children? Slums. Thailand? Guess... It also appears that all Swiss are rich, that Spaniards love bullfights, and that the French wear berets. However, these preconceptions – as crazy as they might be – are finally not that far away from those, which induce to taking any child on the Darfur border or an institution in Malawi, given that the context is sufficient to convince us that he is certainly orphaned, or at the very least, that he will be better somewhere in Europe.

From a more serious perspective, it is clear that intercountry adoption also suffers from these prejudices, which still consider countries in the South as inexhaustible sources of adoptable children. Too many applicants still live with the illusion that, given the state of the world, adoption could only be simple and fast. When will we admit that it is by helping the families of these children – which are the victims of poverty – rather than by taking these away from them, that we will best respond to their needs?

What humanitarian assistance?

Beyond individual feelings, one notices that, for some time, there has been a progressive bridging between intercountry adoption and humanitarian (or development) programmes, which raises a number of questions. There is no doubt that the development of projects in one country of origin by a receiving country cannot be directly linked to the number of children adopted by nationals of the latter. The development of projects aimed at the implementation of structures designed to help single mothers may be a good thing, but the final aim must certainly be the protection of vulnerable families, rather than an easy access to adoptable children. In order to do so, close cooperation with national actors in the countries of origin is indispensable. The time factor is equally decisive: several years are often necessary before a programme may be effectively implemented, which is not necessarily compatible with the impatience of adoption applicants.

The 1993 Hague Convention's reply

The Report of the Hague Special Commission offers an initial framework of reflection: 'Receiving countries are encouraged to support efforts in countries of origin to improve national child protection services, including programmes for the prevention of abandonment. However, this support should not be offered or sought in a manner which compromises the integrity of the intercountry adoption process, or creates a dependency on income deriving from intercountry adoption. In addition, decisions concerning the placement of children for intercountry adoption should not be influenced by levels of payment or contribution. These should have no bearing on the possibility of a child being made

available, nor on the age, health or any characteristic of the child to be adopted¹.

Where should the line be drawn?

In an ever tenser context, in which all receiving States face a growing number of adoption applicants, whilst the opportunities for adoption worldwide tend towards a decrease, do the support to institutions or the implementation of development projects already constitute a means of attracting the good deeds of the country of origin? On the other hand, does this type of initiative not enable to remedy the shortcomings of the social systems in some countries, which are insufficiently endowed with the resources and qualified staff to ensure the reliability of the procedures? In addition, what can be said about the accredited bodies, which financially support the institution, from which their members have adopted: is it a matter of maintaining a link with the child's country of origin and of trying to help those who have not been adopted, or rather, does this step already constitute an interference with the local adoption system? In all these cases, however, there is no doubt as to the necessity to establish and implement strict criteria and a mechanism of control of the use of donations and other payments by, and via, accredited bodies. Furthermore, it would also be important to prohibit all donations, or promises to donate, to an institution before the adoption has been completed.

A matter for professionals

Similarly for both, humanitarian action and intercountry adoption, it is important that the steps taken are carried out with the support of professionals and within the necessary legislative framework. Whether for the one or

the other, the good will of amateurs has often done more harm than good. It is not a matter here of criticising the praiseworthy efforts of committed individuals, but rather of underlining the fact that it is illusory to want to improve the fate of a population without knowing its structure, its history, its values, and its customs. Let us also recall that intercountry adoption is prohibited in situations of emergency, whether due to natural disasters or to conflicts.

Courage

One's commitment to defending the weak is an act of courage and empowerment, but actions to fight against preconceptions and ill-oriented good will requires just as much. At the end of a year favourable to dreams of a better world, we would hope that good faith will guide the actions of the various actors involved in the adoption process a little more. Let us also admit that changes in the mentalities, and therefore also in the practices, are necessary and urgent if we do not wish to see unfortunate initiatives repeat themselves. Even though we may be considered sweet dreamers, we will conclude with a well-known French slogan: let us be realistic, let us demand the impossible!

Happy Holidays to all !

The ISS/IRC team

¹ Report and Conclusions of the Special Commission on the Practical Operation of the 1993 Hague Convention on Intercountry Adoption, 28 November – 1 December 2000, Recommendation 10 (<http://hcch.e-vision.nl/upload/scrpt33e2000.pdf>).

IRC NEWS

- **Welcome to the new ISS Secretary-General** 🏠: Earlier this month, the International Social Service has welcomed a new Secretary-General. Mr Jean Ayoub, who has a background as a senior executive in international and humanitarian affairs and more than 25 years of experience in the areas of development, disaster management, people and programme management, and fundraising, has most notably held senior positions in the Red Cross and Red Crescent network, and is fluent in English, French and Arabic.
- **Project on distance training and exchange of experiences – New Fact Sheets on the ISS/IRC website** 🏠: Four new training Fact Sheets (N° 49 - 52) have been issued. These address issues relating to specific adoption cases (the adoption of children with special needs, relative adoption, and kafalah) as well as the breakdown of adoption. These are available from the ISS/IRC website: http://www.iss-ssi.org/Resource_Centre/Tronc_DI/tronc_di_fic.html.

ACTORS IN MATTERS OF ADOPTION

Source: Permanent Bureau of The Hague Conference: http://hcch.e-vision.nl/index_en.php?act=conventions.authorities&cid=69

- **Finland:** This country has updated the contact details of its Central Authority (Finnish Board of Intercountry Adoption Affairs; P.O. Box 33, 00023 Valtioneuvosto; Tel: +358 (9) 160 01; Fax: +358 (9) 16073816; E-mail: adoption@stm.fi), as well as those of its accredited bodies.
- **Mauritius:** This country has updated the contact details of its Central Authority: National Adoption Council, 3rd Floor Government Centre, Port Louis; Tel: +230 201 3549; Fax: +230 201 8151; Contact persons: Ms Baccha or Ms Purryag.
- **Netherlands:** This country has updated the contact details of its Accredited Bodies.
- **New Zealand:** This country has updated the address of its Central Authority: Chief Executive, Child, Youth and Family, Ministry of Social Development, Bowen State Building, Bowen Street, P.O. Box 2620, Wellington 6140.
- **Venezuela:** This country has updated the contact details of its Central Authority: Ministerio del Poder Popular para Relaciones Exteriores, Oficina de Relaciones Consulares, Torre Ministerio del Poder Popular para Relaciones Exteriores, Esquina de Conde a Carmelitas Piso 2, Caracas 1010; Tel: +58 (212) 806 4496/4504; Fax: +58 (212) 806 4497; E-mail: a.c.venezolana@gmail.com or relaciones.consulares@mre.gob.ve; www.mre.gob.ve (in Spanish).

INTERNATIONAL DOCUMENTS ON THE RIGHTS OF CHILDREN DEPRIVED OF A FAMILY

UNITED STATES OF AMERICA: Ratification of the 1993 Hague Convention on Intercountry Adoption

The United States of America - the major adopting country worldwide - has deposited its instrument of ratification of the 1993 Hague Convention on Intercountry Adoption, which will enter into force in this country in April 2008.

Thirteen years after signing the Convention, and seven years after initiating its implementing process, the USA have finally ratified the HC-1993 on 12 December 2007. Once the U.S. Department of State had announced that the President had signed the U.S. instrument of ratification of the Hague Convention on 16 November of this year, the legal requirements for ratification were completed and the U.S.A. could finally deposit its instrument of ratification. This was done at a ceremony at The Hague on 12 December 2007. The Convention will officially enter into force on 1 April 2008 and will, from then on, govern intercountry adoptions between the United States and other Convention member countries. These will also be processed in accordance with the provisions of the *Intercountry Adoption Act 2000*, which is the legislative act which has

guided the country's implementation efforts. It appears that the US Central Adoption Authority will be the U.S. Department of State. The details and the implications of this country's ratification will be further addressed in a forthcoming issue of the Monthly Review.

Sources: Hague Conference on Private International Law, *USA joins 1993 Hague Intercountry Adoption Convention*, 12 December 2007 (http://www.hcch.net/index_en.php?act=events.de tails&year=2007&varevent=141); Assistant Secretary of State for Consular Affairs Maura Harty, *Remarks at the Ceremony to Deposit the United States' Ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*, 12 December 2007 (http://travel.state.gov/law/legal/testimony/testimony_3899.html).

GUATEMALA: Approval of the new law on adoptions

The Guatemalan Congress has finally approved a new adoption law, which will enter into force on 31 December 2007.

After reports that the Government of Guatemala had been working to amend its adoption legislation to comply with Hague requirements – with the guidance and assistance of the Permanent Bureau of the Hague Conference on Private International Law and a number of other countries – it has now been confirmed that the Guatemalan Congress has approved the new *Ley de Adopciones* (Adoption Law, Decree 77-2007), which will enter into force, together with the Hague Convention on Intercountry Adoption, on 31 December 2007. It was particularly necessary to ensure that the new law did comply with Hague standards, given the context of inconsistencies of the current adoption process with the Convention, and of recent and widely media-publicised alleged irregularities in the process.

Initial information on the new law has highlighted the following issues and developments:

- the child's adoptability will be decided upon by a juvenile judge, upon an assessment of the child's social, psychological and medical situation;
- improper financial gain by individuals – including the child's relatives – institutions and authorities involved in the adoption process will be prohibited;
- the selection of adopters by the child's biological parent(s) will also be prohibited, except in some specific and exceptional cases;
- the consent to the adoption by a child's parent who is a minor will only be allowed together with a judicial authorisation;
- poverty or extreme poverty will not be considered a sufficient justification for the adoption of a child;
- the law creates the Consejo Nacional de Adopciones [National Adoptions Council] – an autonomous entity – as the Central Authority.

Further details on the content and the implementation of this new law will be addressed in a forthcoming Monthly Review. However, it is important to emphasise that the adoption of the new law remains a fundamental but initial step in the reform, and that priority must now also be drawn to implementing such a Hague compliant system, and to guaranteeing the rights of the child and the provisions of the law and the Convention throughout the procedural transition and across practices in the adoption process.

Finally, it is here also worth mentioning that the Inter-American Commission on Human Rights (IACHR) – which had benefited from the reports of Casa Alianza and CEJIL on the continuous irregularities occurring in the adoption process in Guatemala and the lack of transparency – has decided to allow the implementation of emergency measures in the case of 26 Guatemalan children, whose protection could not be ensured until the authorities carried out a comprehensive assessment. The IACHR has now requested the Government of Guatemala to inform on the protection measures decided and on their continuous monitoring.

Sources: Hague Conference on Private International Law, *Permanent Bureau team assists Guatemala with the implementation of the 1993 Hague Convention*, 19 July 2007 (http://www.hcch.net/index_en.php?act=events.de tails&year=2007&varevent=132); Congreso de la República de Guatemala *Pleno del Congreso aprueba Ley de Adopciones*, 12 December 2007 (http://www.congreso.gob.gt/qt/ver_noticia.asp?id =4533); Casa Alianza Suisse *Mesures d'urgence concernant les adoptions guatémaltèques*, November 2007 (<http://www2.casa-alianza.ch/jahia/Jahia/pid/288>); UNICEF Guatemala, Hague Conference on Private International Law.

INDIA: Outcomes of the International Conference on Adoption

A wide range of actors involved in domestic and intercountry child adoption in India recently met in New Delhi, and discussed the current situation of child protection and adoption in the country, as well as the forthcoming changes in the process.

The 2nd International Conference on Adoption, which was organised by the Central Adoption Resource Authority (CARA), took place in New Delhi, India from 8 to 10 October 2007. The meeting addressed a range of issues relating to child protection and adoption in and from India, and allowed for discussion around four plenary sessions. The participants represented the range of actors involved in the adoption process in and from India, including CARA, local adoption agencies and institutions, Central Adoption Authorities from receiving countries, and foreign accredited bodies.

The current situation of adoption in India

The event was particularly interesting in the current context of adoption in India, where an increasing number of adoptions take place domestically, and a decreasing number of children are adopted internationally: in 2006, there were 2,479 domestic adoptions and 852 intercountry adoptions. The Indian adoption authority acknowledged this trend, in which a growing number of Indian parents wish to adopt a child, whilst the number of adoptable children is actually less.

In the legislative arena, the Juvenile Justice Act 2000, as amended in 2006, addresses children's rights and the rehabilitation of children in care and protection, and thereby intends to provide strong safeguards for children in the adoption process. However, CARA, as well as the Honourable Minister and Secretary of the Ministry of Women and Child Development, acknowledged that more transparency is still required throughout the process.

CARA's Draft Guidelines on Adoption of Indian Children without Parental Care

Within this context and willingness, CARA is finalising its new Guidelines on Adoption of Indian Children Without Parental Care, with a

procedure for adoption of children within India and abroad. These are designed to ensure that the process is centralised through CARA and that those children who are adoptable benefit from adoption, rather than from institutionalisation, and without delay. CARA believes that adoption files should be marked to such agencies where adoptable children are waiting, and therefore intends to connect every adoption agency to CARA, to receive all files initially at CARA – which would subsequently redirect them to agencies with adoptable children – and to establish a reporting system from the States to CARA.

Indeed, a great emphasis has been put on the involvement of States in dealing with such a pertinent issue and in recognising one or more of its institutions or voluntary organisations in each district as Specialised Adoption Agencies (SAAs). The Integrated Child Protection Scheme also proposes to strengthen the adoption programme in India and to strengthen family-based non-institutional care as well as the implementation of the programme through CARA at national level, through State Adoption Resource Authorities (SARAs) at State level, and through District Child Protection Units at district level.

The Guidelines have taken account of the various existing legal provisions and programmes, and, once finalised and issued, would replace the Guidelines for in-country adoption of 2004 and the Guidelines for adoption from India of 2006.

Lift of the Danish suspension of adoptions from India

The conference held in New Delhi also offered the opportunity for the Danish adoption authorities to inform that the Danish Minister of Family Affairs had lifted the ban on adoption from India on 5 October. The circumstances leading to the temporary suspension of adoptions from this country

have been commented upon previously (Monthly Review N° 6-7/2007) and related to a 'documentary' held on Danish television, which raised the case of a biological father who claimed that his children had been wrongfully lured away from him and placed in international adoption in Denmark without his consent. After several months of thorough investigation and the use of many resources to document and establish all the details of all

adoptions carried out from India between 2000 and 2007, evidence has shown that all adoptions were handled correctly and legally, and no irregularities were found.

Sources: Central Adoption Resource Agency, India (<http://www.adoptionindia.nic.in/>); Department of Family Affairs, Denmark (<http://www.familiestyrelsen.dk/>); AC International Child Support, Denmark (<http://www.a-c-dk>).

PARAGUAY: A recent analysis of the psychosocial and legal aspects of adoption and its practices

This publication, coordinated by Rosa María Ortiz, Member of the United Nations Committee on the Rights of the Child, offers an analysis of the persistent illegal practices in matters of adoption from the psychological, social and legal perspectives, and offers solutions to combat them.

Adoption in Paraguay has undergone many changes in the course of its history. Since 1995 and until today, intercountry adoptions have been suspended, as a consequence of reports on child trafficking. Two years later, a new law on adoption [*Ley de adopción 1136/97*] was approved, and incorporated the principles of international conventions applicable to this field, and in 1999, a Central Authority – the Centro de Adopciones [Adoptions Centre] – started to operate. Ten years after this adoption law: What is the state of adoption in Paraguay? What practices continue to prevent the respect of fundamental legal principles? How could this be remedied? These are some of the questions to which the publication entitled *La adopción, un acto de amor y de derechos: Los beneficios del cumplimiento de la ley* [Adoption, an act of love and rights: The benefits of enforcing the law] aims to respond to.

Adoption from a psychosocial perspective

The psychological and social analysis of adoption suggested by the publication is based on the words and the experiences of adoptees, of therapists, and of adoptive parents, some of whom have adopted via the legal route, others through illegal practices. From access to data on adoption and the transmission of these to the disclosure of the adoption, via the development of the identity and the relationship with the biological family, this part of the publication highlights the

fears, disappointments and satisfactions that surround an adoption.

The disclosed experiences reveal that adoption continues to be a great challenge for Paraguayan society, which experiences a period of transition between an adoption, which favours the interests of adults, and one, which protects the interests of children.

Among its recommendations, the publication suggests the creation of places for reflection with educators, as well as meeting places and places for the exchange of experiences among the various participants. It promotes the undertaking of research into the psychological, social and legal aspects of adoption, and consideration of its practical implementation in Paraguayan culture. In particular, it insists on the professional capacity-building of all the authorities involved in the adoption procedure.

Adoption from a legal perspective

The Ley de adopción 1136/97 clearly establishes the existence of two stages in the adoption process: the preservation of ties with the biological family, and the adoption judgment. In order to carry through such a process, the Centro de Adopciones has four teams, which are in charge of the search for the biological family, for the child's temporary placement (in a foster family or an institution), for maintaining the child in his biological family, and for adoption, when the child's reintegration in his family proves impossible.

The publication describes, in further details, the procedural aspects of adoption, and enumerates the range of actors directly or

indirectly involved in the process. Among other weaknesses of the adoption process, the publication emphasises the difference, which exists between the legal timeframe and the real duration of the proceedings. Indeed, once the suitability of the prospective adoptive parents has been ascertained, the waiting time for a child should not exceed a maximum of nine months, whereas, in reality, it is much longer, despite the important number of children awaiting adoption. This is largely due to the slowness of the legal process, and to the – sometimes – difficult collaboration between the judicial authorities and the Centro de Adopciones. Sometimes, such a situation may lead some applicants to resort to illegal practices, which persist in Paraguay.

Illegal adoption practices

Despite the great progress made in Paraguay to carry out adoption proceedings in compliance with the rights of children and adolescents, illegal practices still exist. Thus, according to data held by the Centro de Adopciones, 90% of the adoptions carried out stem from 'pre-adoption care', and only 10% were carried out through the legal process. In other words, the majority of parents who wish to adopt a child request the courts to grant them guardianship. After two years, they submit an adoption request, which they are automatically granted, based on a misinterpretation of article 43 of the Ley de adopción. The Centro de Adopciones is then faced with a *fait accompli*, and the only thing it does is to confirm it. Another illegal practice consists of registering the child on the Civil Register using false data, i.e directly with the adoptive parents' names. The reasons, which lead biological mothers to accept such procedures, are often economic. For the adoptive parents, it is a way of averting the

risk of not being selected and/or of avoiding the adoption process's legal timeframes, which are considered too lengthy.

Many of the child's fundamental rights are violated by these practices, in particular the child's right to know and to be cared for by his biological parents, his right to an identity, and his right to be protected against any form of exploitation. Nonetheless, these practices are still considered to be normal by a great number of Paraguayans. Furthermore, lawyers, for financial reasons, have promoted them, and some judges still grant pre-adoptive guardianship, despite the condemnation of its real purpose, namely adoption. In order to remedy these illegal actions, and to continue the development of an adoption system in compliance with national and international laws, efforts and changes are still required. Amongst these, the publication emphasises the indispensable coordination between the actions of the administrative and the judicial authorities. It also underlines the importance of granting sufficient human and financial resources to the Centro de Adopciones, in order for it to effectively carry out its work, from maintaining the child in his biological family to the post-adoption follow-up. This publication constitutes an essential tool in the development of a society, which is responsible for the protection of its children against any kind of violation of its fundamental rights.

Source: La adopción, un acto de amor y de derechos: Los beneficios del cumplimiento de la ley, coordinated by Rosa María Ortiz, Member of the Committee on the Rights of the Child, with the participation and the collaboration of Andrea Cid, Rita Hevia, José de Doménico, Pablo Cuevas, Silvina Francezón, Andrés Vázquez and Cécile Maurin, Global Infancia, Paraguay, 2007.

INTERDISCIPLINARY APPROACH

MOZAMBIQUE: Most mothers with terminal illnesses have no concrete plan for the care of their children after their death

The main objective of the study by Jini L. Roby and Nicola Wood was to explore the plans of Mozambican mothers, and the options available to them in relation to the care of their children after their death, within their community and wider society.

The reality for dying mothers, who leave young children behind them, is very harsh in Mozambique. A study¹ carried out by Jini L. Roby – Associate Professor at the School of Social Work, Brigham Young University – and Nicola Wood Eddleman – Certified Social Worker in Utah – shows that most women with terminal illnesses have not made concrete plans for the care of their children after their death, and that many of them do not know who will make those key decisions. Although the majority of mothers assumed that the extended family would care for their children, they do not know exactly who can, or will, take over this responsibility. Many hoped that the government would provide for the children's education, food and health care, but the government does not have an orphan care plan in place, and the institutions are all filled to capacity, and cannot accept any more children.

The child welfare plans of 102 mothers with a terminal illness explored

In further details, the study explored the child welfare plans of 102 mothers with terminal illnesses (predominantly AIDS) who were raising children under the age of 15 years, and who lived in a village called Nhamatanda, in Mozambique. The main objective of the study was to explore the plans of Mozambican mothers and the options available to them in relation to the care of their children after their death, in the context of their community and wider society.

During their illness, their children were being cared for primarily by their husband (31%), their mothers (28%), themselves (19%), and sometimes also by the children themselves (16%). Thus, in the event of their death, the majority of the women interviewed naturally stated that they planned for their family to care for their children (72%), while 19% stated that they planned for governmental care. However, they did not seem to have discussed this with their spouses or other family members, and none offered any clearly established plans, nor identified who would ultimately make the decision regarding the children in the event of their death.

Placement in institution preferred by the interviewed mothers

Even though most mothers expect that their immediate or extended family will care for their children in the event of their death, the vast majority of them (91%) would prefer to place their children in an institution in the event of their death. The placement with kin in the country is only the second most acceptable choice for them (73%). This is probably due to the lack of basic safety-net services for food and education, which leads the mothers to pragmatically determine that their children would be better off in an institution – typically with 100 or more children in each facility – than within their family. Furthermore, the psychological and emotional impact of institutionalisation on children seems less important to them because they consider that their day-to-day survival is of primary concern.

The interviewed mothers' three following choices rank closely: out-of-the-country kin placement (56%), domestic adoption (52%) and domestic foster care (48%). Intercountry adoption was acceptable to only 36% of the women. The authors explain the 'unpopularity' of the last two options due to African culture, in which adopted and foster children often experience second-class status compared to the biological children in the family, and are often denied the same food and clothes or attendance at the same schools.

The important role of community activists

The results of this study show, among others, the urgency for national and provincial governments to provide a comprehensive policy to address the needs of women who are suffering from an illness, and of children left orphaned. It is also urgent to provide Mozambican society with external assistance for basic needs and services, such as food, medical services and education. In addition, several actions should be initiated at the community level. The strong sense of community, which still prevails in Mozambique, especially in rural areas, can be an important resource in addressing the problems presented in the study. A shared community responsibility provides a foundation for intervention and education. From this perspective, the involvement of community activists is very useful in working with children and families. Their immediate access to the families and their personal commitment to helping is a tremendous

strength, which is already in place in Mozambique. Thus, these volunteers could be trained and be effectively involved in culturally-appropriate discussions regarding the mothers' options and plans for their children after their death. For example, they could be very efficient in providing assistance to the mothers in elaborating their plans for their children. Family assistance with a

trained community activist may be an effective support to them, and serve the best interests of the children.

¹ 'When She is Gone: Child Care Plans of Mozambican Mothers With Terminal Illnesses', Jini L. Roby and Nicola Wood Eddleman, in *Family in Society: The Journal of Contemporary Social Services*, pp 292-301.

SPECIAL SERIES

UNACCOMPANIED MINORS: Conditions for a sustainable integration in the receiving country

The last issue of this Special Series addresses the issue of integration of unaccompanied minors in their receiving country. In order to be successful, the range of involved actors must ensure a response to the child's material needs, as well as his personal and social wellbeing.

The return of unaccompanied minors to their families and countries of origin does not always respond to their best interests. As we have seen in previous articles, it is sometimes preferable for the child's wellbeing to remain in his receiving country. If, following an in-depth assessment of his personal and family situation, this option is preferred, it is then the responsibility of the competent authorities of the receiving State to prepare, with him, an adapted permanent life plan. As emphasised by the Committee of Ministers of the Council of Europe in its Recommendation CM/Rec(2007)9, this plan pursues objectives relating to the social integration of minors, their personal and cultural development, housing, health, education and vocational training, and employment. In concrete terms, it is a matter for the competent authorities to conclude with the unaccompanied minor a kind of fixed-term contract, which sets out the prospects for the minor's future, the long-term responses to his needs, as well as the route that both parties are committed to follow in order to achieve these. These life plans are therefore individualised and must provide a lasting solution for both the child and the receiving State. Only such cooperation enables a responsible provision of care for minors, and an adequate response to their migration.

Actors of a successful local integration

The system of care provision for unaccompanied minors is the responsibility of the State. The latter must therefore ensure the availability of necessary human and material resources. However, if need be, it may call upon specialised associations to provide a comprehensive response to the particular situation of unaccompanied minors.* Given that the actors involved in the provision of care are generally numerous and varied, it is essential that a coordination mechanism be established in order to ensure the coherence of the system. With this same aim in view, such coordination must also be established at the regional level, as well as with States of origin. It is especially important that a legal representative and/or guardian be appointed for each unaccompanied minor, so as to point him towards the right actors at the right time, in order to ensure the smooth progress of his integration and the protection of his rights. Indeed, the unaccompanied minor must benefit from the same rights as children who are nationals of the receiving country.

Features of a successful local integration

In order to guarantee the protection of the unaccompanied minor, he must promptly be granted a permanent residence permit, so as to ensure his legal security, and prevent him from being left undocumented and likely to be deported once he reaches his majority, despite the numerous steps, which will

already have been taken to promote his integration.

Furthermore, specific provisions must sometimes be implemented in order to remedy his particular vulnerability. Thus, when it is decided to integrate the child in his receiving community, it is essential to provide him with support courses, which allow him to achieve a command of the language. Indeed, this stage is essential for the minor to understand the information he receives about his situation, to participate in decisions that affect him, and to communicate with his new living environment.

In addition, the child's integration must enable to respond, as much to his material needs as to his personal and social development and wellbeing. From this perspective, he must be guaranteed access to health care, and provided with decent accommodation. It is therefore appropriate to rapidly find an alternative to the placement of unaccompanied minors in shelters, either a family alternative

or in protected apartments**. Given that the shelters provide emergency accommodation, they are generally not suitable to meet the children's individual needs, and in addition, are often overloaded.

In parallel, the unaccompanied minors' continuous education must be ensured. From this perspective, it is sometimes necessary to offer special support to the child in order to help him overcome possible schooling difficulties. When the child has reached, or is aged above school-leaving age, it is a matter of guaranteeing him fair access to professional training and to employment, in accordance with his abilities and wishes.

Furthermore, it is also important to enable the child to integrate himself culturally and socially. In particular, he must be informed

about local cultural and social traditions, by means, for example, of formal information sessions or meetings with other unaccompanied minors and members of his new environment.

Risks

As the SSAE (Service Social d'Aide aux Emigrants, France) emphasised in its review *Accueillir* (Issue N° 240), an adequate provision of care for unaccompanied minors is highly beneficial: once taken into care, most of them committed themselves to their training, have learnt French, have integrated their home of foster family, have shown a high degree of motivation in finding

employment, and have abandoned their illegal activities. Thus, in December 2006, a study undertaken by the French association Hors la Rue revealed that 70% of separated Romanian minors in care were fluent in French, 85% were willing to succeed in their training, 84% respected the rules of their living

environment, 83% maintained good relations with the adults who supervised them, 76% were in contact with family in Romania, but 89% wished to live and establish themselves in France.

These results are very encouraging. Unfortunately, nowadays, most children are not cared for in this way, and end up on the streets, or involved in exploitation networks. It is therefore urgent that additional coordinated efforts be made, both by receiving countries and those of origin, to offer a genuine response to the needs of all young separated migrants. Those responsible, at national and international levels, for policies and practices in matters of immigration, therefore have a key role to play in the future of these young people: their decisions may favour the

The Service d'accueil et d'orientation des mineurs isolés étrangers (SAOMIE): An example of support of unaccompanied minors in their local integration

The Service d'accueil et d'orientation des mineurs isolés étrangers (SAOMIE, Welcome and Orientation Service for Separated Foreign Minors) of the French NGO Enfants du Monde – Droits de l'Homme provides separated foreign minors with support, and administrative and legal assistance, designed to help them in confronting the difficulties linked to their situation. Activities of mediation with the competent institutions and authorities are also implemented. SAOMIE's multidisciplinary team helps the unaccompanied minors to go beyond their personal context, and accompanies them in their development. The centre therefore gives them access to educational, recreational and socio-cultural activities. Each minor also benefits from a personalised socio-educational follow-up. SAOMIE's managers and educators put special emphasis on the children's skills of integration into society. Since language is often the first obstacle to integration, French courses are provided by specialised teachers, and are supplemented by reading and writing workshops. The minors also benefit from a medical follow-up and from help in self-confidence, comfort and support.

wellbeing and integration of unaccompanied minors in their receiving country or country of origin, or, on the contrary, increase their vulnerability and their marginalisation.

* See enclosed example: *The Service d'accueil et d'orientation des mineurs isolés étrangers (SAOMIE): An example of support of unaccompanied minors in their local integration.*

** A protected apartment accommodates several minors under the distant supervision of an educator appointed by the child protection authority.

Sources : Recommendation CM/Rec(2007)9 of the Committee of Ministers of the Council of Europe to member states on life projects for unaccompanied migrant minors ([https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2007\)9&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2007)9&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)); Committee on the Rights of the Child General Comment N° 6 (2005): Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005 ([http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/\\$FILE/G0543805.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/$FILE/G0543805.pdf)); Service d'accueil et d'orientation des mineurs isolés étrangers (SAOMIE), Enfants du Monde – Droits de l'Homme (www.emdh.org/website/emdhwebsite/mineurs/index.html); Hors La Rue (<http://www.horslarue.org>); 'Les mineurs étrangers isolés en Europe, *Accueillir* N° 240, SSAE, France, December 2006.

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **Bahrain:** *Second Orphans Care Conference 2008*, organised by the Royal Charity Organisation, 14-16 April 2008. The conference will address the promotion of loyalty and good citizenship in orphans and the effects of these values on the raising of orphans through the role of educational and civil institutions; the provision of a safe and secure environment through community, governmental and legislative efforts, and the experiences of leading orphan welfare establishments. For further information: conference2008@rco.gov.bh.
- **France:** *En multi-accueil, préserver un accueil individualisé de l'enfant et de sa famille* [In multi-placement, preserving the individual care of the child and his family], Association Pikler Lóczy de France, 18-19 March 2008, Paris. For further information: Association Pikler Lóczy de France, 20 rue Danzig, 75015 Paris ; Tel: +33 (0)1 53 68 93 50; Fax: +33 (0)1 53 68 93 56; E-mail: pikler-loczy@wanadoo.fr; <http://www.pikler.fr>.
- **France:** *La médiatisation des rencontres parents-enfants: Intérêts, Enjeux, Limites* [The mediation of parent-child meetings: Interests, implications, limits], COPEs, 7-8 February, 13-14 March and 1-2 April 2008 (3 sessions of 2 days), Paris. This course, led by the Psychologist Geneviève Mermet, will address the resort to mediated and supported visits or visits in the presence of a third person, in the context of parenthood support in cases of parent-child separation, of preservation of bonds, of support to children throughout the various stages, and of the role of mediation professionals. For further information: COPEs, 20 rue Dantzig, 75015 Paris; Tel: +33 (0)1 53 68 93 40; Fax: +33 (0)1 53 68 93 45; E-mail: copes-formation@wanadoo.fr; <http://www.lecopes.org>.

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