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TABLE OF CONTENTS

Editorial

p. 1 [Implications of the increase in the number of intercountry adoptions from a region and growing awareness of the needs: The example of Africa](#)

Actors in adoption matters

p. 3 [Canada, China, Cuba, Philippines, Switzerland](#)

In brief

p. 3 [Vietnam to end US adoption scheme](#)

Practice

p. 3 [France: 32 proposals designed to improve the adoption system](#)

p. 5 [Latvia: Intercountry adoption subject to restrictions](#)

Special Series – Draft UN Guidelines for the Appropriate Use and Conditions of Alternative Care for Children

p. 6 [Romania: An advice, information and support centre for mothers and families at risk of child abandonment](#)


Interdisciplinary resources

p. 5 [Reading suggestions](#)

Forthcoming conferences, seminars, symposia and courses

p. 8 [France, United Kingdom](#)

EDITORIAL

**Implications of the increase in the number of intercountry adoptions from a region and growing awareness of the needs:
The example of Africa** 

Africa has rapidly become a major region of origin for intercountry adoptions and recent events have drawn the attention of authorities to the implications of such processes.

Recent intercountry adoption statistics of receiving countries reflect the increasing demand for African children. Indeed, Ethiopia has become the first country of origin (417 adoptions in 2007), and Africa the first continent of origin (959 adoptions in 2007, representing 30% of all adoptions), of intercountry adoption in France¹. The statistics provided by the Italian Central Authority also reflect an increase in the number of intercountry adoptions from Africa².

Furthermore, in 2006, Ethiopia entered into the top 5 countries of origin in relation to intercountry adoptions to the U.S.A. (1,255 adoptions), and Liberia was not far behind (314 adoptions)³. These numbers reflect a considerable shift towards the African continent in matters of intercountry adoption⁴, which has led to an increasing demand on countries of the region, and subsequently, to concerns in relation to risks of particular illegal practices and the lack of adequate procedures.

National practices and a wave of reactions

On a continent whose social and legal systems strongly combine traditional practices and modern structures, it is often a challenge to ascertain whether adoptions, as known in most receiving countries, are truly acceptable and recognised in society and in law, and whether the legal and administrative structure relied upon appropriately protects the rights of the children involved. These gaps may jeopardise the genuine meaning of child protection, as has recently been raised by the case of the French organisation *Arche de Zoé* in Chad, whose true objectives still remain unclear, and by illegal practices undertaken by some other adoption bodies active on this Continent.

Indeed, in the wake of these events, a number of African countries have become aware of the negative implications, which intercountry adoptions may have in a context, which lacks a clear legal framework and administrative structure. For example, in November 2007, the government of the Republic of Congo (Brazzaville) announced that intercountry adoption procedures had been suspended and that stricter adoption procedures were required, in accordance with the rules and texts in force⁵ – although it appears that intercountry adoptions have now resumed⁶. Similarly, the U.S. Department of State has informed that the Ministry of Social Welfare of the Republic of Zambia has also suspended the adoption of Zambian children by foreigners, effective as of 22 December 2007⁷. In Liberia, the government has initiated investigations into what it believes were irregularities in the process of adoption of Liberian children flown to the U.S.A., and which involved two not-formally accredited or licensed adoption bodies⁸. Furthermore, the Ministries of Justice and of Social Action, Promotion of Women, Child Protection and Elderly Persons of Togo also have stated that, by inter-ministerial decree issued on 1 February 2008, child adoption procedures have been suspended across the Togolese territory until further notice⁹. Finally, the Government of Lesotho has established a Commission of Inquiry following the suspension of adoptions of Basotho children by foreigners, effective since June 2007¹⁰.

On the other hand, Spain has also decided to suspend adoptions from Guinea-Bissau, based on recent reports of illegal adoption attempts¹¹. In brief, there is a shift towards

greater awareness of the implications of intercountry adoptions for the children across this Continent, as well as of the need to ensure that adequate and ethical procedures are in place.

Recommendations

Despite rapidly growing as a continent of origin in the context of intercountry adoption, and despite a strongly increasing number of applications being received for the adoption of children from Africa, only eight of its countries have ratified, or are currently in the process of ratifying, the 1993 Hague Convention on Intercountry Adoption. The ratification of this instrument, however, often requires important financial and human resources, which may present challenges for some countries of origin. It is therefore essential to support and encourage them to adhere to this strong framework for the development of appropriate legislative provisions for the intercountry adoption of children, and to establish a clear and professional structure to process these adoptions, with a view to progressively implementing its provisions and to ratifying the Convention in the future. In this context, it is undoubtedly strongly recommended that more countries in the region do ratify this Convention. It is hoped that this would subsequently offer more guarantees, stronger cooperation, and a better protection for adoptable children and for children involved in the process of adoption from Africa.

¹ Mission de l'Adoption Internationale (France), *Statistiques* 2007 (http://www.diplomatie.gouv.fr/fr/IMG/pdf/chiffres_adoption_2007.pdf).

² Commissione per le Adozioni Internazionali (Italy), *Coppie e bambini nelle adozioni internazionali* (<http://www.commissioneadozioni.it/FileServices/Download.aspx?ID=353>).

³ U.S. Department of State (U.S.A.), *Immigrant visa statistics, FY 2007* (http://www.travel.state.gov/family/adoption/stats/stats_451.html).

⁴ *Statistics and Global Trends in Intercountry Adoption*, Dr Peter Selman, Newcastle University.

⁵ 'Congo: Suspension des adoptions après les arrestations au Tchad' [Congo: Suspension of adoptions after the arrests in Chad], *IRIN News*, 2 November 2007 (<http://www.irinnews.org/fr/ReportFrench.aspx?ReportId=75133>); see also ISS/IRC Monthly Review N° 1/2008.

⁶ 'Reabren las adopciones en Congo', *Adoptantis - El Periódico de la Adopción* N° 56, Abril 2008.

⁷ U.S. Department of State *Suspension of intercountry adoption in Zambia*, January 2008 (http://travel.state.gov/family/adoption/intercountry/intercountry_3944.html)

⁸ 'Liberia investigates child adoptions by U.S. agency', *Reuters*, 1 February 2008 (<http://www.reuters.com/article/domesticNews/idUSL0111956320080201>).

⁹ Mission de l'Adoption Internationale (France), *Actualités: Togo*, 11 February 2008 (http://www.diplomatie.gouv.fr/fr/les-francais-etranger_1296/conseils-aux-

[familles_3104/adoption-internationale_2605/actualites_3230/togo-11-02-2008_59379.html](http://www.diplomatie.gouv.fr/fr/les-francais-etranger_1296/conseils-aux-familles_3104/adoption-internationale_2605/actualites_3230/togo-11-02-2008_59379.html)).

¹⁰ U.S. Department of State *Suspension of intercountry adoptions in Lesotho*, April 2008 (http://www.travel.state.gov/family/adoption/intercountry/intercountry_4225.html); see also ISS/IRC Monthly Review N° 9/2007.

¹¹ 'Adopción irregular en Guinea Bissau', *Adoptantis - El Periódico de la Adopción* N° 55, March 2008.

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.

- **Canada:** The Province of New Brunswick has updated the contact details of its Central Authority.
- **China:** This country has updated the contact details of its Central Authority.
- **Cuba:** This country has updated the contact details of its Central Authority.
- **Philippines:** This country has updated the contact details of its Central and Competent Authorities.
- **Switzerland:** This country has updated the list of its Cantonal Central and Competent Authorities.

IN BRIEF

VIETNAM : The country is to end U.S. adoption scheme

A recent report from the U.S. embassy in Hanoi has cited cases reflecting serious adoption irregularities, claims which are reported to have been dismissed by the Vietnamese government. In this context, the Department of International Adoptions of the Vietnamese Ministry of Justice has affirmed that it will suspend the acceptance of new dossiers on 1 July 2008. It also appears that it will not renew the Memorandum of Agreement with the U.S.A., in force since 2005, and which had been up for renewal on 1 September 2008.

Sources: Embassy of the United States of America *Warning Concerning Adoptions in Vietnam*, April 2008 (http://vietnam.usembassy.gov/adoption_warning0408.html); Vietnam to end US adoption scheme, *BBC*, 28 April 2008 (<http://news.bbc.co.uk/2/hi/asia-pacific/7371862.stm>).

PRACTICE

FRANCE: 32 proposals designed to improve the adoption system

Commissioned by the President of the Republic, the report prepared by Jean-Marie Colombani has recently been published. It offers a critical perspective of the current organisation of adoption in France, and concrete proposals to improve and restructure it.

France has opted for a new impetus to its adoption system. Aware of the latter's weaknesses, the President of the Republic requested Jean-Marie Colombani – former President of the Board of Directors of the daily newspaper *Le Monde*, and an adoptive father – to prepare a report on the current situation and the opportunities for change. This

document, which has recently been published, is based on interviews with political, administrative, judicial and associative actors, experts, adoptive parents, adoption applicants and adoptees. It offers a critical perspective of the existing French organisation of domestic and intercountry adoption, as well as 32 proposals to rapidly improve the operation of the system and to reform it in the long-term.

Towards a reorganisation of intercountry adoption actors

In matters of intercountry adoption, Jean-Marie Colombani and his colleagues* believe, in particular, that the allocation of competences among the various actors in the process is poorly defined. Thus, the Central Authority has lost its visibility and most of its functions in favour of the *Agence Française de l'Adoption* (AFA), thereby making its role confusing for its working partners, both at domestic and international level. The report therefore suggests re-establishing the hierarchy of roles between these two bodies. To that end, it recommends altering the structure of the Central Authority and providing it with an annual plan of action. In addition to its functions relating to the adoption process *per se* and to the coordination of actors, the report advocates for the Central Authority to have a leading role in matters of cooperation and humanitarian aid for children and families in countries of origin. It must, nonetheless, carefully ensure that adoption and humanitarian activities are clearly identified and separate, as much in the operation of programmes as in the accounting. With regards to the AFA, its action will have to be redefined in order to turn it into a mere intercountry adoption operator.

Furthermore, the report suggests strengthening accredited adoption bodies, which often remain small in size and professionalized to a limited extent. Indeed, these characteristics enable them to individualise the support provided to prospective adopters, but it has made their establishment in countries of origin difficult, with accreditation procedures becoming increasingly cumbersome.

According to the report, the value of the action of the *Conseil supérieur de l'adoption* also deserves to be reasserted, since it is a major actor in the coordination of the adoption policy. It has also been suggested to strengthen the diplomatic and consular network, currently considered to be under-used. ISS believes, however, that such a provision must be applied with all necessary precautions in order to guarantee the interests of the child, since diplomatic circles are often not trained for it.

Towards a more adequate procedure of approval and preparation of prospective adopters

The report notes that a excessively high number of applicants are approved in comparison with the number of annual adoptions. In addition, the quality of these approvals is subject to caution by some countries of origin. In order to remedy these problems, the authors advocate for the experience of training adoption applicants prior to their assessment, in order to better prepare them and to optimise the process. They also suggest setting terms of reference for social workers in charge of the evaluation, so as to harmonise practices and guarantee their quality. Furthermore, they envisage setting a maximum age difference of 45 years between prospective adopters and the adoptee.

With regards to the support provided to adoptive families, the report sets out several concrete measures designed to improve their support: extension of the adoption leave by six weeks, post-adoption follow-up thanks to the establishment of reception and dialogue centres and regional and departmental networks on the health of adopted children... Furthermore, without making it compulsory, the report strongly encourages resorting to accredited adoption bodies to support any adoption procedure.

Towards a strengthening of domestic adoption

Currently, domestic adoption is limited to children *nés sous X* [unidentified mother] and to those who have judicially been declared abandoned. This represents a maximum of 800 children a year, whereas, according to the report, 2,100 children with long-term placements could benefit from an adoption plan. Although this decrease in domestic adoption results from the positive development of society (less abandonment and support to parents in need), it also reflects the fundamental importance, which French society gives to the biological family and to maintaining families ties. Thus, judges and social workers hesitate to recommend and issue a declaration of abandonment, even when the ties with the family of origin are quasi non-existent or pathogenic.

The report therefore suggests setting out terms of reference for social workers in relation to the judicial declaration of abandonment. Furthermore, here too, it

advocates for a better visibility of actors involved with children, for example, through the establishment of a family court. In order to provide some space to the biological family, simple adoption may sometimes offer a satisfactory solution and should therefore be used more often. In addition, in order to meet the needs of every child, good practices in matters of adoption of special needs children should be enhanced.

Towards a long-term reorganisation of the system

In the longer term, the report calls for a deeper change in the organisations involved in the adoption process. Thus, it suggests transforming the AFA into an adoption agency, with a view to expanding its role to domestic adoption while maintaining its mission as a public intercountry operator complementing accredited adoption bodies. However, the agency will have to evolve towards the status of a public accredited body, i.e. it will have to provide support to families who will pay it as an accredited body, except in relation to administrative costs. With regards to the Central Authority – as opposed to the agency – it will be a clearly identified service of the Ministry of Foreign Affairs, whose role will consist, amongst others, of regulating the AFA and accredited adoption bodies. In order to fulfil its mission, it will rely on a Consultation Committee, through which operators will meet (AFA, accredited bodies, associations of adoptive families and departments). With this new organisation, the report seeks to remedy the current problems of information and motivation of departments in adoption matters between the AFA and the *Direction générale des affaires sociales*.

Furthermore, the report also envisages the long-term possibility of revising the procedure

of accreditation and authorisation of adoption bodies, currently considered as complex.

The entire range of proposals opens the way to an improvement of the French adoption system, both domestic and intercountry, thanks to a better consideration of the needs of children and of the situation of prospective adopters. What is at stake now is the implementation of these proposals, which will have to remedy the delicate situation of France, which is faced with the realities of intercountry adoption, whilst also placing the best interests of the child at the centre of priorities.

* *Source: Rapport sur l'adoption* [Report on adoption], Jean-Marie Colombani, assisted by Annick Morel (General Inspector of Social Affairs), Bénédicte Vassalo (Magistrate) and Philippe Zeller (Plenipotentiary Minister), *La documentation française*, Paris, 2008 (<http://lesrapports.ladocumentationfrancaise.fr/BR/P/084000162/0000.pdf>).

READING SUGGESTIONS



Birth fathers and their adoption experiences, Gary Clapton, *Jessica Kingsley Publishers*, 2003.

Based on his own experience, the author proposes to explore the feelings and the evolution of birth fathers, whose child was adopted. Actually, little is known about biological fathers, as studies usually focus on mothers. This book challenges conventional assumptions about fathering, paternity and men's relationships with their children. How do fathers experience a child's relinquishment? How did they – and sometimes still do – feel about it? Are they looking for contacts with the child afterwards? Does society give them a role to play in this process? The study goes very much against many stereotypes, and sheds light on a population often put aside too rapidly.

LATVIA: Intercountry adoption subject to restrictions

The Central Authority of Latvia has recently issued a series of criteria for the selection of foreign prospective adoptive parents' files. Since last March, intercountry adoption only concerns children with special needs.

Latvia has decided to restrict intercountry adoption. The Ministry for Children and Family Affairs, which hosts the Latvian Central Authority, issued a series of criteria for the selection of files of foreign prospective adoptive parents' (PAPs). Since March 2008,

and until the end of December 2009, it will only take into consideration foreign applications reflecting a wish to adopt:

1. siblings of three or more children, or
2. children older than 10 years, or

3. children suffering of a serious mental, physical or developmental handicap or disease, or
4. children declared available for intercountry adoption by the Orphan's Court, but for whom no family has been found.

The Ministry for Children and Family Affairs has taken these measures in order to avoid receiving files, which do not match the needs of the children. Since 2004, the number of Latvian PAPs has been increasing significantly. Most of them are willing to adopt a very young child, usually up to 4 years, without serious health problems. Unfortunately, most PAPs from abroad are also willing to adopt children with the same characteristics. The 2007 data have shown that the Ministry received far too many inquiries in comparison with the number of children adoptable internationally, and even in relation to the total number of adoptable children under four years old. On 1 January

2008, there were 635 Latvian children adoptable by foreign PAPs. Among them, 38 were under four years old and 416 were between 10 and 18. Furthermore, 348 of these 635 children had serious health problems and the same number did not want to be adopted abroad or separated from their siblings. At the same date, 620 foreign PAPs were registered. Among them, 293 were willing to adopt a child under 4 years old, and only five agreed to adopt a child between 10 and 18 years old.

The restriction is not retroactive. Thus, applications submitted before March, but still pending, will be processed as before the entry into force of these new criteria. The measure should last until the end of December 2009, but it may be extended if adoption trends do not change.

Source: Ministry for Children and Family Affairs of Latvia (<http://www.bm.gov.lv/eng/>).

SPECIAL SERIES – DRAFT UN GUIDELINES FOR THE APPROPRIATE USE AND CONDITIONS OF ALTERNATIVE CARE FOR CHILDREN

ROMANIA: An advice, information and support centre for mothers and families at risk of child abandonment

The Fondation Children Action opened the Kairos Centre in Bucharest in order to provide support to young girls in their role as mothers and in their socio-professional reintegration and, whenever possible, to help them re-establish contacts with their family.

The Romanian environment is still a difficult one for young mothers and families in extreme living conditions. From this perspective, the *Fondation Children Action*, based in Geneva, opened the Kairos Centre in Bucharest in 2004, in order to provide support these young mothers (up to the age of 35) and their families in difficult situations, and at risk of abandoning their baby (from birth to the age of five). Managed by a team of Romanian professionals (psychologists, social workers and lawyers), the Centre also supports young families without resources as well as any other individuals (adoptive mother, grandmother and aunt) who face difficulties in raising their child. The beneficiaries of the services provided by the Kairos Centre are identified by the maternity hospitals, maternal

centres, within the communities, thanks to the support of preschools, of the medical and social assistance network, and of the Child Protection Directorates, as well as to the intervention of other institutions or individuals who inform the Kairos Centre of such difficulties.

Objectives of the Kairos Centre

More precisely, the Centre psychologically supports mothers in order to enable them to stay with their child if they so wish, and if they are capable of assuming this role. An assessment of the child is therefore carried out so as to identify his level of development and specific work is undertaken with each mother in the framework of her individual assistance plan. The Centre's staff works on strengthening the specific and early ties

between the mother and her child, in order to create stronger maternal attachment, which is essential in preventing abandonment. Furthermore, it intends to strengthen the mother's autonomy and to increase her self-confidence, in order for her to care for her child on her own. Furthermore, the Kairos Centre supports her in facing social problems, which she may experience, and helps her, whenever possible, in renewing relationships with her own family.

In order to achieve this, the staff proceeds with a psycho-social evaluation of the mother/family, and subsequently establishes a specific intervention strategy with the active participation of the mother/family, in order for the latter to benefit, as much as possible, from the services offered by the Centre. The proposed intervention is subsequently implemented, and its effects are evaluated.

Services offered by the Kairos Centre

Specifically, the range of services offered by the Kairos Centre is large and varied:

- *Individual support through psychological consultations:* The mothers are listened to and counselled in relation to the difficulties they may face with regards to their children. In accordance with each situation, some psychotherapeutic treatments may be envisaged in order to find solutions to the child's various problems or difficulties:

behavioural, opposition crises, anger, sleeping and/or feeding difficulties...

- *Social advice, information and guidance:* The social worker provides the mother/family with information relating to the social rights she is entitled to, to council

housing or useful rents for beneficiaries, to available places in day-care centres or preschools for children, and to other public or private social services. In addition, it mediates relations and supports the mother vis-à-vis the authorities, the social staff of the State, or individuals, so as to ensure a higher level of effective communication, the respect for social rights and solutions to various problems.

- *Legal guidance:* The social worker works in collaboration with a lawyer in order to implement some rights (paternity, housing...), and to find solutions to the various legal questions.

- *Support and guidance with a view to employment:* Mothers/families are helped in finding employment thanks

to a database of available vacancies, while taking account of the wishes and training of the interested party. At the same time, the Kairos Centre's team assumes responsibility for mediating between the job seekers and the employers.

- *Medical support:* The Centre collaborates with a doctor specialised in family practice, so as to take care of the child's

The principles of the Guidelines governing the prevention of resort to alternative care
<p>The Guidelines develop the prevention of alternative care at three levels:</p> <ul style="list-style-type: none"> - <i>Promoting the maintenance of the child with his parents</i> • This part outlines the responsibility of governments in matters of family support policies, and in the implementation of effective measures (nurseries, parental courses, mediation services, day care...), designed to maintain or reintegrate the child in his family, whenever this is possible. Thus, techniques and methods are suggested, such as home visits or group meetings with other families. Special attention should be drawn to the establishment and promotion of assistance and care services for single-parent families, adolescent parents and their children, siblings who have lost their parents, as well as for child-headed households. In all cases, an assessment of the child and the family's situation should be carried out, so as to guide the decisions concerning the withdrawal or the reintegration of the child in his family. - <i>Specific measures to avoid family separation</i> • The second part advocates, in particular, for States to act as promptly as possible in order to prevent family breakdowns, and if necessary, as early as pregnancy, through counselling and social support activities. The Guidelines also encourage States to issue clear policies in order to address the situation of children who are abandoned anonymously, and to include the care of children born or living in prison with their parent(s). - <i>Specific measures for family reintegration</i> • Finally, in cases in which the child is reintegrated in his family, the Guidelines provides for an assessment by a multidisciplinary team, with the involvement of all affected actors, based upon the best interests of the child, and providing for the objectives, the stages and the supervision of the family reintegration.

health, if the mother cannot have access to her private doctor or paediatrician.

▪ *Support group – meeting of mothers:* Creation of a public space, designed on the principle of communication and reciprocal support; debates on different topics of common interest and group outings.

▪ *Workshop of creation and expression:* Discovery of the creative nature of individuals involved in the workshop, through the use of play and on the basis of various environments of expression; an opportunity for the beneficiaries to communicate in a group of individuals with common interests.

▪ *Material support:* Distribution of free social tickets, payment of day-care centres, of preschools, of specialist medical consultations or examinations, in the framework of a cooperation agreement, signed by the beneficiary and the Kairos Centre.

Promising results

In 2007, the Kairos Centre registered an increase of 42% in the number of cases under its responsibility, in particular thanks to its

increased recognition within the Romanian social network and to the authorisation granted by the Ministry of Labour and Social Protection. Thus, last year, the Centre supported 35 mothers and 39 children, either punctually or more generally, during periods ranging from six to 36 months.

For eight children, the Centre played a positive role in the prevention of abandonment and/or in treating psychological disorders linked to delays in their development. It also enabled 11 children to overcome their communication and behavioural difficulties, thanks to long-term clinical and therapeutic work. Unfortunately, the Centre is also faced with a significant number of children at great risk (considerable developmental delays at the intellectual, motor, relational and communication levels), for whom it remains difficult to find solutions.

For further information: *Fondation Children Action*,
<http://www.childrenaction.org>; E-mail:
crcopil@yahoo.com.

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **France:** *Adoption de très jeunes enfants. Quelle continuité pour le bébé adopté?* [Adoption of very young children. What continuity for the adopted baby?], COPES, 15-17 September and 6-8 October 2008 (6 days in two modules), Paris. This training aims to address, among others, the following topics: the specific characteristics of early adoption, the interviews and selection of applicants, arrangements for the meeting with applicants in domestic and intercountry adoption, the identification of vulnerability factors and risks, the evaluation of the child's adaptation within the adoptive family. This training is open to professionals involved in the adoption process, and will be led by Martine Duboc, Psychologist, with the participation of others specialists. For further information: COPES; Tel: +33 (0)1 53 68 93 40; E-mail: copes-formation@wanadoo.fr; <http://www.lecopes.org>.
- **United Kingdom:** *Children's Rights and Participation Conference*, Centre for Applied Human Rights and Social Policy Research Unit – University of York, 1 July 2008, York. This conference will address themes linked to children's rights and participation. Speakers will be asked to reflect upon the achievements and remaining challenges in children's rights and young people's rights and the participation agenda in their field, and of ways of taking that agenda forward. For further information, contact: Centre for Applied Human Rights and Social Policy Research Unit, University of York; Tel: +44 (0)1904 434398; E-mail: jkp2@york.ac.uk; <http://www.york.ac.uk/inst/cahr/Events/Children%27s%20Rights%20Conf.htm>.

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Table of contents of the Bulletins 1997 - 2008:

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