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- SPECIAL EDITION -

The Committee on the Rights of the Child and The Hague Conference: the protection of the child deprived of family as the focus of concern.

The Bulletins for November and December 2005 will be sent to you in a double edition before the end of year holidays.

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THE COMMITTEE ON THE RIGHTS OF THE CHILD AND THE HAGUE CONFERENCE: THE PROTECTION OF CHILDREN DEPRIVED OF THEIR FAMILY AS THE FOCUS OF CONCERN

DISCUSSION DAY OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

A new stage in the development of international norms for the protection of children deprived of parental care.

The annual general discussion day of the United Nations Committee on the Rights of the Child took place in Geneva on 16 September 2005. As announced in previous issues of the Bulletin (see Bulletin no. 3 and 7/2005), the meeting this year was devoted to the protection of children deprived of parental care. Some 250 participants attended the meeting representing both associations and governmental bodies. It ended with the adoption of a synthesis report as well as recommendations on the topic under consideration (only in English for the moment: www.ohchr.org/english/bodies/crc/docs/discussion/recommendations2005.pdf).

The need for clear guidelines for practice

The Committee notes in its conclusions that there are still no clear and complete international guidelines for States, which wish to fulfil their obligations in respect of alternative care for children deprived of their family. Furthermore, the limited implementation measures in this field results in an inadequacy between legislation and practice.

The Committee recommends, therefore, that the international community convenes a meeting of experts with a view to preparing international guidelines for the *protection and alternative forms of out-of-home care for children deprived of parental care*. These norms should be submitted to the United Nations General Assembly in 2006 for its review and adoption.

The Committee specifies that these norms, which would be addressed both to governments and to representatives of civil society, should make a degree of flexibility possible depending upon cultural differences, and propose effective mechanisms for the implementation of legislation. They should at the same time approach the issue concerned from several perspectives, namely:

1. regulating the separation and placement into out-of-home care;
2. standardising out-of-home care ;
3. transition from out-of-home care back to the family or into society ;

4. search for ways of preventing placement and institutionalisation.

Finally, the Committee emphasised that this process should be conducted in consultation with the children and their parents.

The need for the commitment of the entire international community

The conclusions and recommendations of this general discussion day constitute an essential stage of the process of elaborating international norms. Furthermore, it is appropriate to express our appreciation of the Committee's talent for synthesis, since its text has been drafted from an abundance of interventions, where the general direction was not always easy to follow. At all events, the outcome of this project presupposes from now unity among all the protagonists concerned. If UNICEF and the ISS, in close co-operation with the Group of NGOs for the Convention on the Rights of the Child, have already decided to reaffirm their commitment (see : http://iss-ssi.org/Resource_Centre/Tronc_DI/body_tronc_di.html#Unicef), it is essential that the other members of the international community make their voice heard. The meeting of experts recommended by the Committee on the Rights of the Child in particular can only see the light of day if it receives the active support of governments. Otherwise, the whole project will be at risk.

To know more about it

You will find additional information about this meeting on the Internet website of the Committee on the Rights of the Child (mainly in English):

www.ohchr.org/english/bodies/crc/discussion.htm.

Nearly 50 organisations (governmental and non-governmental) have, moreover, proposed written contributions to the topic discussed. These documents are available at the following address:

www.crin.org/docs/resources/treaties/crc.40/Discussion.asp.

Lastly, the ISS contribution (*A global Policy for the Protection of Children deprived of parental*

Care, in English only) can be consulted at the following address:

www.iss-ssi.org/Resource_Centre/Tronc_DI/documents/CRC_DiscussionDayAglobalPolicyISS05_000.pdf.

SPECIAL COMMISSION OF THE HAGUE CONFERENCE

From 17 to 23 September 2005, the Permanent Bureau of The Hague Conference convened the Second Special Commission on the practical operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (THC-1993). A special day was dedicated to the accreditation and authorisation issues of adoption bodies. More than 200 experts participated in the Special Commission, coming from 66 countries (42 countries of origin and 24 receiving countries) of the five continents, as well as 4 international intergovernmental organisations and 10 international non governmental organisations (amongst which the ISS).

The website of The Hague Conference (http://hcch.e-vision.nl/index_fr.php?act=progress.listing&cat=8) presents the Preliminary Questionnaire of the Permanent Bureau on the practical operation of the Convention and the replies of the States and organisations, the agenda of the Special Commission, the discussion paper on accreditation issues, the draft Guide to Good Practice and its appendices as well as the conclusions and recommendations of the Special Commission. For the press release, see http://www.hcch.net/upload/adopress_e.pdf.

Discussion day on Accreditation Issues

On 17 September 2005 a discussion took place to ensure clarity and harmonization of the standards and practices of accreditation and authorisation for adoption bodies, which, like all protagonists, are confronted with changes in reality and ethical issues.

This discussion was structured around the following themes: general policy issues and structures; accreditation criteria, including the supervision and review of accredited bodies; and co-operation between countries. A *discussion paper on accreditation issues*, drafted by the Permanent Bureau on the basis of international instruments and the replies of various States to the preliminary questionnaire, served to stimulate the discussion. The following points in the paper and the ensuing debate held our special attention.

Pressure on the countries of origin

The debate underlined several times the pressure unduly exerted on the countries of origin by certain foreign prospective adoptive parents, foreign adoption bodies or authorities in the receiving countries. The existence of a widening gap between the number of requests from foreign prospective adoptive parents and the profile of the children mainly sought after (young and healthy children) on the one hand, and the number and profile of the children needing inter-country adoption on the other, was once again confirmed by at least six countries of origin (for more information on this point see the Editorial in Bulletin 64). The protagonists in the receiving countries, therefore, have an essential role to play in informing prospective adoptive

parents so as to *sensitise them to the reality of inter-country adoption* and to the specific needs of a significant number of children who are adoptable today through inter-country adoption (older children; sibling groups; children suffering from illnesses or physical or psychological disabilities).

Accreditation and authorisation of adoption bodies

The accreditation granted to adoption bodies by the receiving countries and the authorisation given to them by the countries of origin, should, thus, be based upon a *preliminary assessment of the number and profile of children adoptable through inter-country adoption* in the sending country concerned. It is on the basis of this assessment that the number and the profile of foreign prospective adoptive families, foreign accredited bodies even from receiving countries, will be judged necessary for this sending country. The limit, depending upon the number of children who are adoptable through inter-country adoption, the number of files from prospective adoptive parents accepted by the sending country, as well as the adoption accredited bodies (AAB), and /or the receiving country partners, can make possible a better adaptation of the procedure to the specific needs of the children, as well as a more

effective supervision and regulation of the foreign AAB by the sending country.

Involvement of adoption bodies

A significant number of receiving countries and those of origin have stressed the importance of maintaining certain services throughout the entire adoption process and during the follow-up: preparation and psychosocial support for the child, the family of origin and the adoptive parents; but at the same time the evaluation of the reliability and integrity of the local contact persons of the future adoptive parents in the country of origin. In some receiving countries, the Central Authority, alone or with the help of other competent authorities, cannot fully perform these tasks: the services are then completely provided when the adopters go through an accredited body. Some other receiving countries, have underlined that their Central Authority, if it is the case in cooperation with other competent authorities, provides the full range of services.

Consequently, *in the case of independent adoption* (when the prospective adopters are approved to adopt a child and then complete the adoption process in the State of origin without recourse to an accredited body, their files going through the Central Authorities), *the level of services provided varies a lot according to the concerned countries.*

Some countries of origin and receiving countries make it legally compulsory for the prospective adoptive parents to go through an accredited body: it was emphasized during the Special Commission that it was also up to the countries of origin to decide whether or not to impose this condition.

Fundamentally, the countries of origin should assess the matter in which the necessary above mentioned tasks are completed or not in the potential receiving countries of their children. In particular where the Central and competent Authorities of the receiving country cannot provide fully such services, the involvement of accredited bodies to guarantee the whole range of pre- and post-adoption services was seen by several participants to the Special Commission as highly desirable for good practice.

Supervision of representatives of the AAB in the countries of origin

The importance of the countries of origin determining their own authorisation criteria as well as a set of procedures for supervision of the bodies accredited in the receiving countries was also mentioned. *The authorisation should particularly be conditional upon respect for conditions relating to local representatives of the foreign AAB* (professional training and experience; their duties; financial reliability). A lack of respect on their part would be immediately liable to justify a withdrawal or non-renewal of the authorisation they have been given and/or the accreditation in the name of the AAB, which would bear a genuine responsibility for the dealings of its representatives, in the framework of essential co-operation between the authorities of the countries of origin and receiving countries.

A number of conclusions and recommendations adopted by the Special Commission (see below) emerged from this day of discussion.

Evaluation of the application of THC-1993

By means of a draft Guide to Good Practice and Recommendations to States, the Special Commission is advancing in its elaboration of a common code of ethics for inter-country adoption.

From 19 to 23 September, the review of the practical application of THC-1993 largely followed the outline of the draft *Guide to Good Practice* prepared by the Permanent Bureau with the assistance of a group of experts appointed by the Special Commission (see too Monthly Review 71). The principal topics for discussion, corresponding to the chapters of the draft Guide, were the following: Becoming a Party to the Convention; General Principles of the Convention; Key operating principles; Institutional structures; National child care

context and national adoption; Procedural issues of inter-country adoption; Legal issues surrounding implementation of the Convention; Post-adoption matters; Preventing abuses.

Ethical breakthroughs

Various issues were given special attention in the draft Guide and in the work of the Special Commission. Amongst them, the ISS finds it useful to underline:

- the inclusion, particularly by applying the principle of subsidiarity, of the issue of inter-country adoption in *a global system for child*

protection, involving the prevention of abandonment and placement, support for families in difficulty, including placement of the child with the extended family, provisional measures of foster and residential care, and the search for a permanent solution, preferably a family and home-based one (domestic adoption) ;

- the need to make *an evaluation of the number and profile of children* in need of inter-country adoption, as well as the national system for child protection, before a State of origin becomes a Contracting Party to THC - 1993 or extends its cooperation in matters of inter-country adoption, as well as in the framework of a revision of its policy towards inter-country adoption;

- the need to adapt the procedures to the specificities of *relative adoption*, as well as *adoption of children with special needs* (older, sick or handicapped children or those in sibling groups), who apparently represent a growing number of adoptable children, internationally. (On this point, see too the Editorials in Bulletins 64 and 67).

- *the responsibility of receiving countries to ensure review*, not only of their accredited bodies, but also *of their prospective adoptive parents authorised perhaps to adopt independently*;

- *the minimal nature of the standards set by THC-1993*: States can introduce safeguards or stricter controls, on condition that the latter are necessarily in the interests of the child and do not run contrary to the convention.

Recommendations to improve practice

Twenty two Conclusions and Recommendations relating to 11 themes were adopted by the Special Commission at the conclusion of its work. They represent the issues to which Contracting Party States should pay particular attention in the application of THC - 1993, and envisage the future pattern of work in respect of the Convention. They can be summarised as follows.

1. *Draft Guide to Good Practice*: the draft Guide to Good Practice will be reviewed and finalised by the Permanent Bureau, in the light of comments made in the Special Commission and with the assistance of a group of experts appointed by the latter (which includes the ISS). In particular, appropriate references to the situation of children with special needs will have to be inserted. Supplementary information will have to be collected on the financial aspects of inter-country adoption, reports on prospective

adoptive parents and their preparation, and post-adoption reports, with the view to the possible development of future Parts of the Guide to Good Practice.

2. *Designation of Central Authorities, other authorities and bodies under the Convention*: the importance of designating the Central Authority without delay and communicating its contact details to the Permanent Bureau no later than the Convention's date of entry into force in that State, was repeated, as well as communicating the update of designations, contact details and functions of the competent authorities and of the accredited or authorised bodies.

3. *Accreditation and authorisation of adoption bodies*: The Permanent Bureau should continue to gather information on this subject, including the financial aspects, with a view to the development of a future Part of the Guide to Good Practice, as well as a set of model accreditation criteria. The Special Commission reaffirms the need for an itemised list of the costs of services of the adoption accredited bodies, as well as their supervision.

4. *Collection and dissemination of information*: The Special Commission reaffirms the usefulness of the Model Form - Medical Report on the child, completed on this occasion. A model form for the consent of the child and the operation of articles 15 and 16 of the Convention should also be developed by the Permanent Bureau. Furthermore, the latter is invited to collect information at the national level relating to the organigram of procedures, responsibilities and tasks of the Convention bodies. This information should be made available on its website.

5. *Statistics*: General statistical information should be submitted on an annual basis to the Permanent Bureau by Contracting States on the basis of the forms prepared before the Special Commission.

6. *Co-operation and communication*: Co-operation and communication between the bodies of the Convention should be strengthened, notably with a view to promoting good practice and to ensuring that illegal and unethical procedures prior to the adoption of a child be effectively and systematically combatted.

The States of origin should thus transmit information to the receiving States on the needs of children, so as to better identify prospective adoptive parents, whilst the receiving States should cooperate more closely with the States of origin to better understand their needs.

The Special Commission also recalls the obligation of States Parties to act expeditiously in the process of adoption, and notes in particular the need to avoid unnecessary delay in finding a permanent family for the child.

Moreover, States should actively discourage direct contacts between prospective adoptive parents and authorities in the State of origin "until authorised to do so". "Exceptionally, such contact at the appropriate time may be desirable in the case of a child with special needs."

Finally, the Special Commission recommends the use of flexible and efficient systems of communication, as well as the organisation of regional and/or bilateral meetings to exchange information and good practices.

7. *Nationality*: The nationality of one of the adoptive parents or of the receiving State should automatically be accorded to the adopted child, without the need for intervention by the adoptive parents. Where this is not possible, (relating to the risks run by the adoptees in the opposite situation see for example Bulletin 6/2005, Rights of the child: Expulsion of adopted adults towards their country of origin) the receiving States are encouraged to furnish all assistance to avoid a situation in which an adopted child is stateless.

8. *Post-adoption reporting*: The Special Commission recommends to receiving States to encourage compliance with post-adoption reporting requirements of States of origin; a model form might be developed for this purpose. It also recommends to States of origin to limit the period in which they require post-adoption reporting. In point of fact, the basis of this cooperation under the Convention rests upon mutual confidence.

9. *Application of Convention principles to non-Convention countries*: The Special Commission recommends once again that contracting States apply the standards and guarantees embodied in the Convention to the maximum extent possible, to adoptions carried out with States that are non-contracting parties (for applications of this principle see for example the Editorial in Monthly Review 2/ 2005).

10. *Other conventions*: To offer children who are displaced internationally a full range of protective measures and to facilitate the application of THC-1993, the Special

Commission recognises the usefulness of THC - 1996 on the protection of children (http://hcch.e-vision.nl/index_fr.php?act=conventions.text&cid=70), as well as the Hague Convention of 5 October 1961, which abolished the requirement to legalise foreign public documents (http://hcch.e-vision.nl/index_fr.php?act=text.display&tid=37)

11. *Implementation of the Convention in Guatemala*: Following the blockage resulting from the decision of unconstitutionality of Guatemala's accession to THC-1993 taken by the Constitutional Court on 13 August 2003, the Special Commission appreciated the presence in its midst of a high-level delegation from Guatemala; it urges Guatemala "to confirm, as soon as possible, the legal effect of the Convention within its legal order consistent with Guatemala's international obligations under the Convention"; and it called upon States and international organisations to co-operate with this country in its endeavours to fully implement the Convention (see particularly Monthly Review 2/2005 and the earlier articles quoted).


In conclusion of this week of interesting contacts and intensive work, we wish that States would increasingly implement these recommendations addressed to them, with a view to an application of THC - 1993 that is ever more in conformity with the needs and best interests of children. The stakes are high since, according to the Permanent Bureau of the Hague Conference, at least 40,000 children were reportedly adopted through inter-country adoptions around the world in 2004.

For the evaluation document prepared by the ISS for the Special Commission, see http://iss-ssi.org/Resource_Centre/Tronc_DI/documents/EvaluationSSICLH2005.pdf; and Monthly Review 8-9/2005; for the intervention of the ISS on the day devoted to discussion of accreditation, see http://www.iss-ssi.org/Resource_Centre/Tronc_DI/documents/InterventionSSIAccreditationDay.pdf.

The Editorials of the preceding Monthly Reviews, which deal with a number of important questions raised during the Special Commission, can be found at the Internet address http://iss-ssi.org/Resource_Centre/Tronc_DI/editoriatronc_di.html.

THE HAGUE CONVENTION OF 1993 ON INTERCOUNTRY ADOPTION (THC-1993)

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

The People's Republic of China  : The People's Republic of China, which had signed the Convention on 30 November 2000, has just ratified it on 16 September 2005. The convention will enter into force in this country on 1 January 2006. This ratification is of great importance; indeed, according to the Permanent Bureau of The Hague Conference (www.hcch.net/upload/adopress_e.pdf) China would be, in absolute numbers, the first country of origin for children adopted internationally. In 2003, it seems that 11,000 Chinese children have been adopted abroad (and, according to an article of Sarah Schafer published on 25 July 2005 in Newsweek International, the number of

domestic adoptions in China would apparently be much higher: see Monthly Review 2005/9). According to the information received from the Chinese Central Authority, there will be no major changes in the legislation governing adoption in view of the entry into force of the Convention. For information purposes, the other main regulatory provisions are available on the website of the Chinese Central Authority: www.china-ccaa.org/frames/index_unlogin.jsp#. A more in-depth analysis of the situation of adoption in this country will be presented to you in a later Monthly Review. For more information, you can also consult our earlier Monthly Reviews: 68-69; 55; 54; 38; 12; 6.

OTHER CONVENTIONS AND INTERNATIONAL DOCUMENTS CONCERNING THE RIGHTS OF CHILDREN DEPRIVED OF THEIR FAMILY

Source: The Permanent Bureau of The Hague Conference: http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=70

Optional Protocol to the Convention on the Rights of the Child on the sale of children

The protocol is in force in 100 states and has also been signed by 43 states.

Since 27 April 2005, four new countries have ratified and a fifth one has acceded to the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. The ratifications involve Armenia on 30 June 2005, Canada on 14 September 2005, India on 16 August 2005 and the Netherlands on 23 August 2005. Furthermore, Georgia acceded to the Optional Protocol on 28 June 2005 (for information about the signatures, ratifications or accessions, see also Monthly Reviews 6/2005, 63 and 54). As a reminder (see

Bulletin 63), this instrument, which came into force on 18 January 2002, requires, among other things, that States legally penalizes the act, as an intermediary, of "improperly" inciting consent to domestic and inter-country adoption in violation of the applicable international instruments (article 3), thus particularly The Hague Convention of 1993.

Source: United Nations High Commission for Human Rights,

www.ohchr.org/english/countries/ratification/11_c.htm

PROTAGONISTS IN MATTER OF ADOPTION

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

- **Bulgaria:** This country has updated the particulars of its Central Authority: The Ministry of Justice, Department of International Legal Child Protection and Inter-country Adoptions, No 1 Slavyanska Str., 1040 Sofia ; tel. : +359 (2) 923 7304/ +359 (2) 923 7303/ +359 (2) 923 7302/ +359 (2) 987 1557 ; fax : +359 (2) 987 1557 ; contacts: Mrs Antoaneta Kalauzka, Director of Dept. Inter-country Adoptions, a_lubenova@mjeli.government.bg; Mr Margarit Ganey, Deputy Minister of Justice, g.todeva@justice.government.bg; Petya Todorova, Head of Office, Petya.Todorova@mjeli.government.bg; Stela Zdravkova, Head of Office, zdravkova@mjeli.government.bg; www.mjeli.government.bg.
- **Ecuador:** This country has named its new Central Authority: Presidente del Consejo Nacional de la

Niñez y Adolescencia, Dr. Alberto Rigail Arosemena, Calle Santa María y Av. Amazonas No. E4-333, Edificio Tarqui, 7th floor, Quito; tel. : +593 (2) 223-1753; fax: +593 (2) 223-1673, ext. 102; contacts: Soc. Sara Oviedo Fierro, Secretaría Ejecutiva Nacional del Consejo Nacional de la Niñez y Adolescencia, saraoviedo@cnaa.gov.ec ; Dra. Lorena Dávalos Carrasco, Coordinadora de la Unidad de Relacionales Internacionales y Autoridad Central, Secretaría Ejecutiva del Consejo Nacional de la Niñez y Adolescencia, lorenadavalos@cnaa.gov.ec; www.cnaa.gov.ec.

- **Estonia:** The particulars of the Central Authority have been updated: The Ministry of Social Affairs Gonsiori 29, 15027 Tallinn ; tel. : +37 (2) 626 9220 ; fax : +37 (2) 699 2209 ; signe.riisalo@sm.ee.
- **Germany:** This country has updated the list of its accredited bodies.
- **Romania:** The e-mail of the Romanian Central Authority (see Monthly Reviews 8-9/2005) is available as of now: orabertzi@yahoo.com.
- **Turkey:** This country has just designated its Central Authority: The Prime Ministry of the Republic of Turkey, General Directorate for Social Services and Child Protection Institution, Department for child services, Anafartalar Cad. No: 70, Ulus/Ankara; tel.: +90 (312) 310-2460 / 1453-1451 / +90 (312) 311-8741 ; fax: +90 (312) 311-9365 ; e-mail: evlatedinme@shcek.gov.tr.
- **United Kingdom:** This country has updated the particulars of the Central Authority for Scotland: The Scottish Executive, Looked After Children and Youthwork Division, 2 C (South), Victoria Quay, Edinburgh EH6 6QQ ; tel. : +44 (131) 244 1664 ; fax : +44 (131) 244 3547 ; John.McCutcheon@scotland.gsi.gov.uk.

LEGISLATION

Europe: A recent report compares the legislation and practices of domestic and inter-country adoption

The document, prepared by ChildONEurope, covers 20 European Union countries. Most of the stages of the adoption process, particularly post-adoption follow-up are addressed.

Despite all the documentation published on the subject of domestic and inter-country adoption, there are still gaps in the knowledge of this field. Beginning from this premise, ChildONEurope – the European Network of National Observatories on Childhood – last month published in English a comparative study of legislation, practices and statistics of adoption in twenty countries of the European Union. The adoptability of the child, information and selection of prospective adoptive parents, post-adoption services, follow-up of the schooling of adopted children, adoption of disabled children, the adoptee's search for origins: most of the stages of the adoption process were addressed. The present article gives what is not meant to be an exhaustive overview of it.

The report provides a clear and concise table of the main options of each State in respect of adoption, as well as its international obligations in this field, that is to say, if it is a party to The Hague Convention on the protection of children and co-operation in respect of intercountry adoption of 1993 – and since when. A brief analysis then sheds light, despite all the

difficulties that such a comparison entails, on the main similarities and differences between the national systems.

Rather similar conditions

On the processes of verifying the adoptability of children and the choice of prospective adoptive parents, the document includes country-level summaries as well as synoptic tables. The latter show that the situation varies from one country to the next, while still reflecting important constants. Thus, with regard to child adoptability, the *consent of the parents of origin* is generally the first element taken into account. Moreover, after a certain age – between 10 and 15 years of age – it often occurs that the child must also give his/her *consent* to the plan for their adoption. In the selection of prospective adoptive parents, an *age limit* beyond or below which they cannot apply is most often imposed (see too the editorial in Bulletin 4/2005 on the maximum age difference between the adopter and the adoptee).

The report has also analysed the normative provisions and the praxis regulating the adoption

by homosexuals couples or singles in the countries of the Network.

Post-adoptive support in response to express wishes of families

ChildONEurope devotes a significant part of its report to post-adoption services. The latter include the interventions of professionals once the adoption has been done. The comparative analysis and the summary tables in the study make it possible once again to bring out the similarities between States. It is particularly noticeable that post-adoptive support is available in most countries but is not *necessarily provided by law*. It usually takes place as a special request of families.

As the report underlines, this last rule, that respects the adoptive family's right to *respect for its private life on an equal footing with any other family*, implies that the people concerned are aware of a possible problem and that they are open to the outside world, which is not always

the case. In our opinion, raising the awareness of prospective adoptive parents before the adoption as part of an in-depth *preparation, as well as* the professionalism that went into their selection, play a key role.

The specificity of the post-adoptive situation, furthermore, encourages many countries to develop, for adoptive families who so wish, *practices beside the law* in the form of professional services integrated in the global system of child protection, as well as mutual-support groups made up of families.

In conclusion, the survey has shown a growing availability by the EU countries in the setting up of new and more adequate post adoption services.

For more information, consult the website www.childoneurope.org. An International Seminar on post-adoption follow-ups organised by ChildONEurope on 26 January 2006: see below.

Vietnam: Agreements signed with the United States and Canada and advances made in the rules for inter-country adoption

Vietnam intends to make it mandatory for all foreign prospective adoptive parents to go through the adoption bodies accredited by the receiving countries.

Vietnam has signed two new bilateral agreements on inter-country adoption. The first, with the United States, was signed on 21 June 2005 and the second, with Canada, on 27 June 2005. In Canada, understandings (containing more details about how the agreement will be implemented) are being signed by each of the provinces and territories individually. We have been informed that the province of Quebec signed its understanding on 15 September 2005.

According to the Vietnamese Central Authority, they are working in order to make it obligatory for all foreign prospective adoptive parents to pass through an adoption accredited body (AAB) by the receiving country and authorised by Vietnam. This obligation complements the Vietnamese regulation contained in the following instruments : Law n° 22/2000 QH10 of 9 June 2000, governing marriage and the family ; the Governmental decree n° 68/2002/ND-CP of 10 July 2002, defining the modalities of applying some of the articles of the Law on family and marriage in respect of matrimonial and family relations involving an element of extraneousness; and the circular of the Ministry of Justice n° 07/2002/TT-

BTP of 16 December 2002, setting the modalities for the application of the Governmental decree n° 68/2002/ND-CP (for a commentary on these texts, see Bulletins 49, 50-51, 53 and 55).

Furthermore, according to the French Central Authority (MAI), « during the last follow-up committee meeting on the Franco-Vietnamese Convention on adoption, the Vietnamese Central Authority expressed the readiness of his government to make it mandatory, *as of 1 January 2006*, for adopters to go through the adoption accredited bodies».

Furthermore, the Central Authority of Vietnam stated that Vietnam is preparing to become a Party to The Hague Convention of 1993.

Sources : Vietnamese Central Authority; US State Department (www.travel.state.gov/family/adoption/notices/notices_2555.html); Federal Central Authority of Canada; Inter-country Adoption Secretariat of Quebec (www.adoption.gouv.qc.ca/site/3.134.0.0.1.0.phtml); MAI (http://www.diplomatie.fr/fr/les-francais-etranger_1296/conseils-aux-familles_3104/adoption-internationale_2605/pays-origine_3233/fiches-

pays_3895/viet-nam_9638.html?var_recherche=adoption).

On Vietnam, see too the information published in Monthly Reviews 55, 58-59 and 7/2005.

PROCEDURE

Azerbaijan

Resumption of intercountry adoptions.

The suspension of intercountry adoptions, in order to conduct an investigation into adoption practices, has been ended in August 2005 in this country. As a reminder, Azerbaijan acceded to The Hague Convention of 1993 on Intercountry

Adoption on 22 June 2004. This Convention entered into force on 1 October 2004.

Source: Central Authority of Azerbaijan and US State Department, http://travel.state.gov/family/adoption/notices/notices_2488.html. On this country see also Bulletins 67 and 68-69).

Ukraine: Temporary suspension of the registration of new applications of prospective adoptive parents from a number of receiving countries

The Central Authority of Ukraine explains its decision because it did not receive follow-up reports coming from these countries.

The Central Authority of Ukraine, the National Adoption Centre (NAC), on 19 September 2005 announced a temporary suspension of the registration of new files from prospective adoptive parents submitted by residents of Canada, France, Germany, Italy, Spain and the United States.

This suspension is reportedly mainly prompted by the failure of a certain number of adoptive parents in those countries to send in adoption follow-up reports. The whole issue of these reports - which requires subtle handling - was the object of in-depth discussions at the Special Commission of The Hague last September (see above) and will be taken up in an Editorial of a next Monthly Review.

The Central Authority of France (MAI) for its part attributes the suspension that has occurred in Ukraine to the reforms of the adoption system launched at the beginning of the summer (see particularly the ISS mission in this context; Monthly Review 7/2005). Furthermore, according to MAI, « the capacity to handle

numerous applications submitted by foreign families to the NAC ... does not encourage hopes for a rapid return to the registration of new files ».

We will not fail to keep you informed of developments in the situation in Ukraine, as well as the main observations of our mission.

Sources : Ukrainian Korrespondent.net: www.korrespondent.net/main/133489; Secretariat for inter-country adoption in Quebec :

www.adoption.gouv.qc.ca/site/3.135.0.0.1.0.phtml,

US State Department:

http://travel.state.gov/family/adoption/notices/notices_2648.html,

French Mission for inter-country adoption :

www.diplomatie.fr/fr/les-francais-etranger_1296/conseils-aux-familles_3104/adoption-internationale_2605/actualite_3230/ukraine-10-10-2005_23587.html; Italian Commission for inter-

country adoption:

www.commissioneadozioni.it/site/it-IT/Altre_News/MissioneUcraina.html.

INTERDISCIPLINARY APPROACH

Join the "Global Network for Better Care"!

The Global Network for better care, created in 2003, is progressing.

New developments for The Global Network for Better Care, which was set up in 2003 (see Bulletin 62)! As of the beginning of August 2005, a full-time coordinator has been appointed. He is Mr. Aaron Greenberg, based at UNICEF headquarters in New York.

As a reminder, this Network aims to become a Global Network for the exchange of information and joint action to guarantee the rights of children in need of parental care and of growing up in a family environment. With this end in view, it carries out, amongst other things, the following activities: developing a dialogue to elaborate standards of care; awareness raising campaigns to promote fundamental principles; identification of donors to finance institutional and alternative programmes; compilation of good practices; capacity building; gathering national statistics on children deprived of family care, etc.

Mr Greenberg intends to pursue the development of the Network's activities by:

- diffusing documents and information using the address of bettercarenetwork@listserve.com;
- developing an Internet website for the Network;

- promoting international collaborative action on better care issues through virtual and face to face meetings and working groups.

The network gives particular support to the project launched by UNICEF and the ISS, which aims to develop International Standards on children without parental care (see the editorial in Monthly Review 72-73); documents about this project are available at the following address: www.iss-ssi.org/Resource_Centre/Tronc_DI/unicefronc_di.html).

At 3 October 2005, the listserve had 363 members, largely scattered across Europe, Africa, Asia, and North America. The listserve is configured to only allow the administrator to send messages and documents. Any replies, reactions or communications from the members of the Network must therefore be addressed directly to Mr Greenberg: agreenberg@unicef.org. All the organisations, authorities and persons concerned with better care issues are invited to join the Network by sending a message to Mr Greenberg entitled "listserve request."

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **Belgium** : *Conférence internationale et interdisciplinaire relative aux droits de l'enfant. Une évaluation de la Convention internationale relative aux droits de l'enfant – De la théorie à la pratique (International and Interdisciplinary Conference on the Rights of the Child. An evaluation of the Convention on the Rights of the Child – From theory to practice)*, Réseau de recherche belge interdisciplinaire PAI (the Belgian Interdisciplinary Research Network PAI), Gand, 18-19 May 2006. Objectives: to evaluate the implementation of the Convention on the Rights of the Child, particularly by means of workshops for get-togethers and exchanges between university and professional staff. Themes: particularly the application of the Convention on the Rights of the Child at the international, regional and national levels; the rights of children finding themselves in special situations, such as refugee children and children belonging to minorities; children's right to participation; their right to life, to health and to care; children's rights in their family relationships; the exploitation of children. Those interested in submitting an article on one of the themes to be addressed are invited to submit an abstract in English or French, to Marie.Delplace@UGent.be, by 30 November. For more information, contact : Marie Delplace, Human Rights Centre, University of Ghent, Universiteitstraat 4, B-9000 Ghent ; tel. : +32 9 264 68 22 ; fax : +32 9 264 69 95.
- **Brazil** : *Second international colloquium on foster care, or foster care as a policy for special protection of children and adolescents*, Terra dos Homens and SAPECA (Municipality of Campinas/Sao Paulo), Sao Paulo, 20-23 November 2005. Audience: professionals from the social sector; persons interested in the theme; theoreticians; public bodies involved with children and adolescents in Brazil. Themes: this colloquium will be organised as 10 roundtables where discussion will focus on, among other things, foster care in a system that

guarantees rights; foster care in the world, in Latin America and in Brazil; the role of the university in implementing foster care policies; the civic responsibility of foster families, programmes and the State; the political, legal and psychosocial aspects of foster care. *Contact*: Associação Brasileira Terra dos Homens, Av. General Justo, 275 - sala 518, CEP: 20021-130 - Centro / Rio de Janeiro; tel.: (21) 2524-1073; <http://www.terradoshomens.org.br/script/principal.asp>.

- **France/AFAR (Action, Training, Activation and Research):** a) *L'adoption internationale: cadre légal et médico-psychosocial (Inter-country adoption: legal and medical psychosocial framework)*, Paris, 7-9 March 2006. Objectives: to become familiar with the laws governing inter-country adoption; to respond better to the needs of children; to get to know the psychosocial and legal process of adoption: the adoptability of children, adoptive capacities of parents; to question its practice in the light of these contributions. For child aid services, the staff of the adoption accredited bodies, the medical social teams, psychologists and psychiatrists. b) *L'adoption nationale: l'agrément, le procès verbal d'abandon, le suivi des enfants (Domestic adoption: accreditation, the record of abandonment, the follow up with children)*, Paris, 7-10 and 28-31 March 2006. Objectives: to locate adoption; to understand its foundations; to become familiar with the laws governing domestic adoption; to make use of the tools to improve the accreditation procedure; to get to know the different administrative, legal and psychosocial modalities of the adoptability of children in France; to acquire the techniques for maintaining; to define the evaluation criteria of the psychologist and the social worker; to discover a methodology for drafting social and psychological reports. Intended for all medical social staff, psychologists and territorial staff .
Contact : 46, rue Amelot, 75011 Paris ; Tel. : 01 53 36 80 50, fax : 01 48 05 31 51 ; formation@afar.fr; www.afar.fr.
- **Italy:** European Seminar on Post-Adoption Follow-up, European Network of National Observatories in Childhood (ChildONEurope) (*see above, Interdisciplinary Approach*), Florence, 26 January 2006. In English and French. Objectives: to analyse legislations, policies and services in the post-adoption phase in the ChildONEurope countries; to share knowledge on the experiences regarded as best practice identified and presented by the ChildONEurope partners; to disseminate the results of the survey undertaken by the ChildONEurope Secretariat; to identify models and services to share and propose as post-adoption interventions; to propose suggestions for the development of social policies and of the network of services in this field. Audience: ChildONEurope members and associated members; delegates of the Intergovernmental Group "L'Europe de l'Enfance"; representatives of the European Central Authorities for inter-country adoption; experts from international organisations that deal with the issue; other experts in the field. This seminar will begin with a plenary session devoted to the normative framework of post-adoption follow-up in the European context. A second section will be dedicated to the experiences of the ChildONEurope partners. The interventions would then be followed by a debate. A third section will examine the possible models to use to respond to the families' needs with operational proposals. Working groups will be set up and will focus on the following issues: access to the origins; models, support and accompaniment services for the newly constituted adoptive families; and adoption failures. Lastly, a fourth section will be aimed at the reporting of the working groups in the plenary session followed by a debate and a closing intervention focused on the synthesis of the working groups and on a closing reflection on possible issues for in-depth analysis and models of services.
Contact: ChildONEurope secretariat c/o Italian National Childhood and Adolescence Documentation and Analysis Centre, Istituto degli Innocenti, P.zza SS. Annunziata 12, 50122 Firenze, Italie ; tel. : +39 055 2037305/206/343 ; fax : + 39 055 2037344 ; childoneurope@minori.it; www.childoneurope.org.

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 - 2005:

www.iss-ssi.org/Resource_Centre/Resource_Center_EN/About_ISS-IRC/about_iss-irc.html. See publications.

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